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Official Records

President: Mr. Lajčák (Slovakia)

The meeting was called to order at 10.05 a.m.

Agenda item 76

Report of the International Criminal Court

Note by the Secretary-General (A/72/349)

**Reports of the Secretary-General (A/72/342,
A/72/372 and A/72/372/Corr.1)**

Draft resolution (A/72/L.3)

The President: I am pleased to welcome Her Excellency Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, to the General Assembly.

The 1998 Rome Statute is a landmark on the journey to universal justice and the rule of law. Its adoption demonstrated our commitment to ending impunity for the most serious crimes of concern to the international community. It reflected a joint resolve to guarantee lasting respect for and enforcement of international justice.

Now, almost two decades later, we must reaffirm our determination to stand up for victims and prevent recurrence of the most serious crimes. The firm international commitment towards these ends is demonstrated by the fact that almost two thirds of United Nations Members are parties to the Rome Statute.

I want to emphasize two elements of the Court's work. The first is the role of the International Criminal Court in the delivery of justice. While States retain the primary responsibility for exercising criminal

jurisdiction over those responsible for serious crimes, the International Criminal Court plays a complementary role: it acts when national judicial systems have failed to ensure accountability.

By fulfilling its functions, the Court carries out a vital role. It contributes to strengthening accountability, protecting human rights and promoting the rule of law. These support our ultimate goal of achieving a more peaceful and just world for all people. However, the cooperation of States with the Court is critical so as to enable it to effectively fulfil its mission, as provided for in the Rome Statute.

The victims must not be denied the justice they deserve. Most have faced the gravest indignity and abuse, ultimately paying the highest price. Victims and their families have suffered the greatest loss and often inhuman treatment. Their rights must not be sacrificed on the altar of political expediency. They deserve justice. If we fail to deliver, we call into question our own relevance as guarantors of human rights and justice.

The second element is the preventive impact of the Court's work. From the very beginning, the International Criminal Court was meant to be an instrument not only for the prosecution, but also for the prevention of international crimes. Strengthening the enforcement of international law helps to deter potential perpetrators from carrying out or continuing criminal conduct. Furthermore, as the Court works to fulfil its mandate under the Statute, it supports the work we are doing to promote justice and the rule of law and to sustain peace.

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Finally, the Rome Statute of the International Criminal Court reaffirms the purposes and principles of the Charter of the United Nations. Achieving its universality was considered a means to guarantee that such unimaginable atrocities, which represent a threat to the peace, security and well-being of the world, would not go unpunished. Ending impunity is an important way to prevent future atrocities. All of us have an obligation to prevent and respond to these grave crimes.

As we consider this agenda item today, I trust we will remind ourselves of our common commitment to peace and international justice.

It is now my honour to invite Judge Fernández de Gurmendi to take the floor.

Judge Fernández de Gurmendi (International Criminal Court) (*spoke in Spanish*): I would like to take this opportunity to extend my respectful greetings to the Spanish-speaking delegations before proceeding with the presentation of my report (see A/72/349) in the two working languages of the Court, which are French and English.

(*spoke in English*)

I am honoured to address the General Assembly to present the Court's annual report to the United Nations for the third and last time, as my mandate as President and Judge of the International Criminal Court (ICC) will expire in March 2018.

When I first addressed the Assembly two years ago, following my election as President (see A/70/PV.48), I emphasized that the main priority I had set for my mandate was to enhance the Court's effectiveness and efficiency. I thought then, and remain convinced today, that cooperation is linked to performance. The Court must constantly strive to improve its governance, as well as the speed and quality of the justice that it delivers, in order to enhance its credibility and foster support.

I am glad to say that much effort has been put into fulfilling this goal in all organs of the Court, and much progress has been made. The judges have sought to improve and accelerate judicial proceedings through a collective assessment of the legal framework and methods of work. Three retreats of judges have been a central vehicle to foster the development of a more cohesive judicial culture among the judges of the Court, who come from different backgrounds, legal systems and traditions. These retreats have served to channel

collegial discussions across Chambers and Divisions, allow them to revise entire phases of the judicial cycle, and generate a number of concrete initiatives to amend, where necessary, the legal framework, practices and methods of work. The third and last retreat took place in Kraków, Poland, this year, focusing on appeals issues. The two previous retreats, held in 2015 in Nuremberg, Germany, and in 2016 in Limburg, the Netherlands, had focused on pre-trial and trial issues, respectively.

These collective discussions were unprecedented. For the first time at the Court, all judges accepted that judicial independence within their respective cases and Chambers was in no way incompatible with exchanging views and experiences with a view to identifying best practices and recommending common responses to some challenges. These ground-breaking efforts have generated a number of initiatives and produced several concrete outcomes.

A publicly available Chambers Practice Manual seeks to harmonize the approach to certain matters by clarifying how certain procedural phases should be carried out. To the extent possible, judges have sought to improve the Court's work through practice rather than amendments to the legal framework, which should remain exceptional. However, certain specific amendments have been introduced to the Rules of Procedure and Evidence and Regulations of the Court. We have also improved the structure of the legal support staff at the Court. The reforms we have put in place are already having a visible impact on our courtrooms and cases, including a clear and drastic reduction of the time required for some phases or aspects of proceedings. We have also made progress in the development of performance indicators, and a third report, which will be produced at the end of this year, will be accompanied by a fuller set of data, which, we hope, will help illustrate the work of the Court across cases.

Enhancing the efficiency of the Court has become critical at a time in which the Court is very busy at various stages of proceedings and the heavy workload is likely to continue in future. As I mentioned before, much progress has been achieved in this regard, although, of course, much more is required. The Court is not perfect, but it is working, it has matured and it is delivering on its mandate.

As part of improving its governance, we have also sought to strengthen the safeguards that ensure

that officials and staff members of the Court uphold the highest standards of integrity and professionalism in the exercise of their functions. I would like to emphasize in this regard that a system of disclosure of financial information for certain elected officials and senior managers has been in place since 2015, that the Independent Oversight Mechanism created by the Assembly of States Parties is now fully operational, and that a new policy for the protection of whistle-blowers is being developed at the Court. Also, in this regard, we have started a review of all relevant existing legal provisions, including codes of ethics. We consider it important to assess the adequacy of this legal framework in order to identify any lacunae, introduce amendments, if necessary, and make recommendations to the Assembly of States Parties, if appropriate.

As I indicated, the Court is now confronted with a heavy workload, and that is likely to continue next year. At the start of the reporting period, convictions or sentences were issued in two trials against a total of six persons. The first one concerns Mr. Ahmad Al-Faqi Al-Mahdi for the destruction of world-heritage property in Timbuktu, Mali. The second one was brought by the Prosecutor against Mr. Jean-Pierre Bemba Gombo and four co-accused for offences against the administration of justice related to the alleged corruption of witnesses in the main case against Mr. Bemba. The conviction and sentences in this second case are now being considered on appeal.

Three trials are currently ongoing before the Chambers of the Court. The most recent of these is the trial against Mr. Dominic Ongwen, which started on 6 December 2016. More than 10 years had elapsed since the arrest warrants of the Court were issued against him, together with Mr. Joseph Kony and others, for alleged crimes against humanity committed by members of the Lord's Resistance Army in northern Uganda. Mr. Ongwen finally surrendered of his own free will and was transferred to the Court on 17 January 2015, thus allowing judicial proceedings to start. The trial is now progressing at a high speed. It is a huge development that a trial is now finally being conducted before our judges. It also illustrates the enormous challenges that the Court needs to confront for its cases to reach the courtroom. While the Court is doing its best to accelerate the pace of proceedings, many of the difficulties are beyond its control and can be overcome only with the cooperation of the international community. Without an army and without police, the

Court's most notable single challenge, among many others, remains the arrest of suspects.

Another illustration of a similar problem is the ongoing trial against Mr. Bosco Ntaganda, who has been accused of war crimes and crimes against humanity allegedly committed in the Ituri district of the Democratic Republic of the Congo. Mr. Ntaganda was subject of an arrest warrant for several years, from 2006 until 2013, when he finally also surrendered voluntarily and was transferred to the Court. Trial hearings are expected to finish early next year.

The third trial in progress is the case of Mr. Laurent Gbagbo and Mr. Charles Blé Goudé, both accused of crimes against humanity allegedly committed during post-election violence in Côte d'Ivoire between December 2010 and April 2011. The Prosecution is currently presenting its evidence, and the trial is expected to continue throughout next year.

Trials are the most visible and the most resource-intensive work at the Court. However, a lot is also happening in the Pre-Trial and Appeals Divisions. Some of it may go unnoticed or, in fact, be under seal, as shown by the unsealing of the arrest warrant against Mr. Al-Tuhamy Mohamed Khaled earlier this year. He is suspected of crimes against humanity and war crimes that were allegedly committed on Libyan territory from February to August 2011.

The work of the Pre-Trial and Trial Divisions also has an impact on the workload of the Appeals Division, which is now dealing with interlocutory appeals, appeals in relation to reparations proceedings, and, most notably, appeals against the final conviction and sentences issued in two cases. One of these is the case I have already referred to: the case against Mr. Jean-Pierre Bemba Gombo and four others for offences against the administration of the Court. The other is in the main case against Mr. Bemba for failure to punish or prevent crimes of rape, murder and pillaging that were allegedly committed by his subordinates in the Central African Republic in 2002 and 2003. The Appeals Chamber is expected to issue its judgment in those two cases in the first quarter of next year.

(spoke in French)

As I have just described, the Court is seized of a number of cases that are in different stages of judicial proceedings. The Prosecutor is continuing her investigative activities with respect to 10

situations, as well as preliminary examinations in relation to 10 countries on four continents. None of these activities would be possible without the cooperation of States — parties and non-parties to the Rome Statute — and organizations. I would like to take this opportunity to acknowledge the excellent cooperation we receive from a large number of States, including most of the countries in which there are ongoing investigations.

At the same time, it is of grave concern that several suspects remain at large, despite arrest warrants having been issued by the Court. As I have already said, the arrest of suspects remains the main challenge for the Court. In total, requests for arrest and transfer issued by the Court are outstanding against 15 persons, in six different situations. With regard to our justice efforts, it is essential that those individuals be brought before the Court. I call on all States to contribute to achieving that end. I also urge the Security Council, which referred the situations in Darfur and Libya to the Prosecutor, to take measures to ensure full cooperation with the Court.

The most recent arrest warrant, now outstanding, was issued on 15 August against Mr. Mahmoud Mustafa Busayf Al-Werfalli in relation to the situation in Libya. He is suspected of having committed and ordered murder as a war crime in relation to events that took place in Benghazi and the surrounding area between June 2016 and July 2017.

Bringing the alleged perpetrators of the most serious international crimes to justice is the core mandate of the International Criminal Court. Indeed, the Court was created in the belief that those crimes constitute a threat to peace and security. The Court was also created in the belief that investigating and prosecuting them will help prevent further atrocities, thereby contributing to sustainable peace. In its work, the Court does not target States or regions; rather, it seeks to protect the victims of such crimes. It is therefore essential to ensure that victims understand the work of the Court and have sufficient ownership of justice efforts.

The Rome Statute recognizes that point and, for the first time, contains elements intended to give victims a voice in all stages of the proceedings, as participants in their own right, and not merely as witnesses of crimes. The Rome Statute allows victims to provide information to the Prosecutor and participate in the judicial proceedings to express their views and concerns.

Victims are indeed central to our work. As part of our measures to enhance performance, much has been done to improve the way that we communicate and reach out to victims, so that they have sufficient knowledge of our work and their rights in our proceedings. In the *Ongwen* case, for example, proceedings are broadcast regularly at viewing sessions in the affected communities. In the Central African Republic, the Court's enhanced field-office capacity has made it possible to extend outreach activities to many locations beyond Bangui. In Côte d'Ivoire, radio and television programmes are broadcast on a regular basis.

Almost 13,000 victims are currently participating in various International Criminal Court proceedings through legal representatives, including more than 4,000 victims in the most recent *Ongwen* case. The increasing number of victims willing to participate demonstrates both the success of the Court in improving the access of victims to justice and the enormous challenge that lies ahead. Indeed, the participation of sometimes thousands of victims raises a number of legal and operational challenges, as such participation must be genuine and meaningful without affecting the right of the accused to a fair and expeditious trial.

Furthermore, as victims participate through legal representation, one particular challenge is to ensure that legal counsel properly channel the voices of victims. Chambers have applied different systems to that end, but further reflection will be needed in that regard.

Reparations for the harm suffered are another crucial aspect of the ICC's focus on victims. As the General Assembly is aware, the Rome Statute is the first instrument of its kind to provide for the possibility of ordering reparations to victims in case of conviction. Following the completion of trials, reparations proceedings are now ongoing in four cases.

Last year, reparations were ordered in the case of Mr. Germain Katanga, who was convicted of crimes committed during the attack on the village of Bogoro, in the Democratic Republic of the Congo. The Trial Chamber awarded both individual and collective reparations to the victims of the crimes of which Mr. Katanga was convicted. The Chamber set the amount of his liability at \$1 million. The reparations order in that case has been appealed.

Most recently, collective and individual reparations, as well as some symbolic measures, were ordered in the case of Mr. Al-Mahdi, related to the destruction of

religious and historic buildings in Timbuktu, Mali. The Legal Representative of Victims has filed an appeal against the reparations order.

As part of the reparations system, States parties to the Rome Statute established a Trust Fund for Victims, funded by voluntary donations from States and other donors. The Trust Fund can contribute financially to implementing reparations orders in cases in which the convicted party is indigent, but it can also provide broader assistance to victims who suffered damages resulting from crimes within the jurisdiction of the Court extending beyond the confines of specific cases. In northern Uganda, for example, the Trust Fund has been active for 10 years in working with local non-governmental organizations on projects aimed at mentally and physically rehabilitating victims. I had the opportunity to personally visit some of those projects earlier this year, and noted first hand in my discussions with victims who are benefiting from these programmes the importance of the assistance that the Fund is providing them.

Reparations and assistance depend on voluntary contributions to the Fund. I stress the importance of those contributions to ensuring the success of the system and take this opportunity to thank all States that have already donated to the Fund, in particular for the donations made this year.

As I have already underscored, the Court is confronting many challenges and difficulties that can be overcome only with the full cooperation of States, organizations and civil society. Although the Court is not part of the United Nations, it shares its goals and values. It must frequently intervene in situations that are also of concern to the Organization. As the Assembly is aware, the ICC and the United Nations are also formally linked through the Relationship Agreement. Continued cooperation of the United Nations is crucial for the work of the International Criminal Court.

I wish to express my gratitude to Secretary-General António Guterres and his predecessor, Mr Ban Ki-moon, for supporting the ICC. The Court also greatly appreciates the excellent relations that it enjoys with the Legal Counsel and other high-level officials of the United Nations, as well as with a number of the Organization's programmes, funds and specialized agencies.

United Nations cooperation with the Court takes several forms. It includes logistical and security

assistance in the field, as well as judicial assistance, such as the disclosure of documents and making United Nations staff available as providers of information and witnesses. All those various forms of cooperation, which are provided on a cost-reimbursement basis, are highly valuable to the Court.

(spoke in English)

Over the past 30 years, the concept of accountability has figured prominently on the global agenda. It is now widely accepted that there is an obligation to end impunity for the most serious crimes of concern to the international community: genocide, war crimes, and crimes against humanity. The emergence of this principle as a norm under international law has changed the parameters for the pursuit of peace. There is now an expectation that there will be accountability for the most serious crimes, and the conviction that accountability is necessary for achieving sustainable peace. The question is no longer whether to pursue justice, but rather when and how.

The International Criminal Court is playing a central role in the international criminal-justice system, and it is making important contributions to ensuring accountability for the gravest international crimes. However, despite all the progress, there are still huge gaps where impunity continues to flourish. These gaps can be addressed only through the joint justice efforts of international, regional and national systems. No single jurisdiction alone can deal with this type of crimes, which involve multiple perpetrators, as well as thousands or even hundreds of thousands of victims. It is essential to emphasize in particular that each State has the primary responsibility to prevent, investigate and prosecute genocide, crimes against humanity and war crimes. International and regional jurisdictions can only supplement, but never replace, the actions of States.

The International Criminal Court was explicitly established as a complementary mechanism of last resort intended to address only situations in which the relevant States fail to act. As a positive result of this complementary system, an increasing number of States have updated their national legislation to be able to investigate and prosecute international crimes at the domestic level. Others have also established specialized units within their justice systems in order to deal with these types of crimes.

All such initiatives are commendable and necessary if we are to establish an effective system of global justice. That is why it is also important to deploy every effort to enhance national capacity to investigate and prosecute mass crimes. Although capacity-building as such is not the task of the ICC, we can assist in reflecting upon the way forward and make our expertise available where necessary. Just last week, the Court convened a regional seminar in the Niger, with particular emphasis on complementarity.

It is also important to deploy efforts to enhance membership in the ICC system. To this effect, we cooperate closely with other actors promoting the universality of the Rome Statute, such as States parties to the Statute, international and regional organizations, and civil society. Promoting the universal participation in the Rome Statute is of fundamental importance so as to enhance the effectiveness and the legitimacy of the institution and its capacity to contribute to the rule of law, justice, and sustainable peace and development.

We have undertaken a number of initiatives this year that foster both cooperation with the Court and the universality of the Rome Statute. I would like to mention in particular two important seminars that took place this year: one in Trinidad and Tobago, and the other in the Republic of Korea. The Court is grateful to the European Commission and all others that have financially supported these and other events organized by the Court aimed at advancing dialogue with States and other key partners. I would also like to especially thank all the States that agreed to host meetings of the Court for their hospitality.

Last month, I had the privilege of attending the Pacific Islands Forum Leaders' Meeting in Samoa, where we held an ICC workshop and engaged in constructive discussions with many of the leaders present. There was broad recognition of the importance of the ICC and the rule of law for the protection of small and medium-sized countries in particular. I am deeply grateful to the Government of Samoa and the secretariat of the Forum for facilitating my participation in this meeting. It was a unique opportunity to reach out to Heads of State and Government from the region and encourage greater participation of Pacific Island States in the ICC.

The quest for accountability is a work in progress. There is much to celebrate, but more concerted efforts are required to investigate and prosecute international

crimes at all levels. To achieve effective deterrence, we must create a consistent pattern of accountability. Despite the historic achievements in the fight against impunity, we are not there yet. We also need concerted efforts to improve the quality of international criminal justice. As I have explained, the ICC has achieved concrete results in improving its efficiency, but more work is needed in this regard too, and it should not be done in isolation.

The International Criminal Court was created in the belief that an international system cannot be associated with a particular legal system or set of values. A truly international system incorporates elements of legal systems and traditions from around the world and represents values that resonate across the globe. This premise continues to be valid today. There is no particular legal system that is per se more apt for investigating and prosecuting this type of crime. We must strive to identify the best tools of each system in order to improve the quality of our work. We did it together at the ICC among all the judges, and we are now extending the dialogue to other courts and tribunals.

A step forward was taken two weeks ago, in Paris, where a meeting of presidents and judges from several international criminal tribunals and mechanisms was held for the first time. As practitioners experience similar challenges, there is a need for them to engage in a dialogue on how best to solve them. I thank *l'École nationale de la magistrature* — the French National School for the Judiciary — for hosting this extremely important and unprecedented event.

Indeed, we must take stock of the achievements — and mistakes — of the past three decades in order to identify together the best tools for an effective system of international criminal justice for the twenty-first century.

The President: I call on the representative of Mexico to introduce draft resolution A/72/L.3.

Mr. Sandoval Mendiola (Mexico) (spoke in Spanish): I have the honour of introducing the draft resolution contained in document A/72/L.3, entitled "Report of the International Criminal Court". The draft resolution welcomes the report of the International Criminal Court on its activities during the period 2016-2017 (see A/72/349) and is an update of resolution 71/253, adopted on 23 December 2016. My delegation would also like to express its gratitude to all the delegations that have sponsored the draft, which once

again reaffirms the importance that members attribute to the annual report on the work of the International Criminal Court. I would greatly appreciate submitting the draft resolution contained in document A/72/L.3 to the General Assembly for adoption without a vote.

I would now like to make some brief comments in my national capacity. Mexico would like to thank the President of the International Criminal Court, Judge Silvia Fernández de Gurmendi, for her excellent presentation of the report of the activities of the International Criminal Court to the General Assembly, which we have just heard. We are also grateful for and wish to pay tribute to the excellent leadership exercised by the President during her term of office, which is about to end.

Over this period, significant progress has been made by the Court. It was a year of firsts: the Court dealt with its first trial on the destruction of cultural assets as a war crime in the trial against Mr. Al-Mahdi, in the context of the situation in Mali. Again, this was the first case of the Court where the accused admitted his guilt. The Court also handed down its first sentence for crimes against the administration of justice in the *Bemba et al.* case, condemning the defence and the accused for exerting undue influence on witnesses and having borne false witness to the Court in the situation of the Central African Republic. In this period, the first trial resulting from the situation in Uganda took place. These are significant contributions in the development of contemporary international criminal justice, both substantive and procedural.

We congratulate the Court for including specific proposals in its report to strengthen the international criminal-justice system, an objective acknowledged in the Preamble of the Charter of the United Nations. In particular, we highlight the following points. First, we agree on the need for increased cooperation between the Security Council and the Court. Mexico promotes the responsible and objective use of the Council's power to refer situations to the Court. That is why Mexico, together with France, supports the initiative in which the permanent members of the Security Council would refrain from using the veto in mass atrocity situations. We urge all those States that have not yet done so to join us in taking this initiative in order to strengthen international humanitarian law.

Secondly, believing that the major challenges for cooperation with the Court arise specifically

in situations referred by the Council, we regret the Council's failure to act and agree that it is essential for it to follow up on these referred situations in order to foster cooperation on the part of both States parties and States non-parties to the Statute of the Court.

Thirdly, we agree that the mutual exchange between both organs would, as is suggested in the report, benefit from a structured dialogue which would make it possible to discuss not just the situations referred by the Council, but also other situations that the Court is looking at and thematic issues of mutual interest.

Fourthly, we also support exploring ways to achieve closer cooperation between the Security Council sanctions committees and the International Criminal Court, considering the usefulness of travel bans and asset freezes ordered by the Council for the detention of persons accused by the Court, as well as for the confiscation of their assets in order to provide reparations to victims.

Mexico wishes to underscore the identification by the Court in its report of the use of the platform provided by the 2030 Agenda for Sustainable Development, particularly with regard to Sustainable Development Goal 16, in order to include issues related to the Rome Statute in legal and judicial reform programmes with the support of the United Nations.

Mexico welcomes this approach. Indeed, the report issued this year by the Secretary-General promoting the rule of law in the Organization's activities (A/72/268) describes significant activities involving assistance provided by the United Nations to countries throughout the world to strengthen their justice and security institutions, including the development of national capacities for the investigation and prosecution of international crimes, which is consistent with States' primary responsibility in this regard. These endeavours carried out by the United Nations and those deployed for human rights or development are appropriate for the provision of technical assistance. We are pleased that the Court recognizes this fact in its report, and we hope that it will be implemented comprehensively across the International Criminal Court system.

Finally, Mexico supports the swift activation of the Court's jurisdiction over the crime of aggression. This will round out the functional forms of jurisdiction provided for under the Rome Statute in 1998. A few months before the twentieth anniversary of the Statute

and the fifteenth anniversary of the Court's becoming active, we believe that it is high time for this to be done.

Mexico reiterates its commitment to the international criminal justice and to strengthening the system that was created by the Rome Statute, in order to avoid impunity for the perpetrators of the most serious crimes that affect the international community as a whole.

Mr. Jensen (Denmark): I have the honour to speak on behalf of the five Nordic countries: Finland, Iceland, Norway, Sweden and my own country, Denmark.

I would like to start by thanking the International Criminal Court (ICC) for its annual report to the United Nations (see A/72/349). I would also like to thank Judge Fernández de Gurmendi, President of the ICC, for her thorough presentation of the main issues of the report. Again, the yearly report bears witness to the Court's increasing activity across a broad range of situations and cases, showing that the ICC is truly a global criminal court. The Nordic countries would like to express our sincere appreciation to the Court for its significant contribution in the fight against impunity worldwide.

Holding to account perpetrators and ensuring justice for victims of the most serious crimes of concern to the international community as a whole are principles shared by States in all parts of the world. The International Criminal Court is an essential institution, not only for promoting respect for international humanitarian law and human rights law, but also for the advancement of post-conflict peacebuilding and reconciliation, with a view to achieving sustainable development and peace, as also envisioned in Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development.

The success of the ICC depends on cooperation with other stakeholders, and many States and international organizations provide important contributions to the Court. However, it is a continued cause for concern that the number of outstanding arrest warrants remains high. We strongly urge all States to cooperate fully and effectively with the Court, in line with applicable Security Council resolutions. Furthermore, States parties to the Rome Statute have undertaken an obligation to this end.

The Court's promise of justice for victims corresponds to the reach of its jurisdiction, which, first and foremost, depends on how universally the Rome Statute has been ratified. The ICC needs more States

parties, not fewer. We would therefore like to welcome El Salvador as the latest State party to the Rome Statute. Furthermore, the Nordic countries are pleased to note that the Gambia and South Africa reversed their previous decisions, having withdrawn their notifications of withdrawal before they took effect.

However, we also wish to reiterate our deep disappointment and concern with respect to the decision of the Government of Burundi to withdraw from the Rome Statute. We stand ready for a constructive discussion about concerns that some States parties may have and encourage and invite States parties that are critical of the Court to seek solutions within the framework and fundamental principles of the Rome Statute. Continued dialogue is of key importance.

As the ICC is a court of last resort, States have the primary responsibility to investigate and prosecute crimes. However, States affected by genocide, crimes against humanity and war crimes might at times need capacity support to implement the relevant legislation, initiate investigations and conduct criminal proceedings. The Nordic countries emphasize the value of States parties assisting one another — and those States that are interested in ratifying the Statute — in developing capacity. We are committed to strong international cooperation. Such cooperation can strengthen the political commitment of States to conducting genuine and fair proceedings in what are often challenging circumstances.

Cooperation that engages international, regional and national actors in the justice sector, as well as civil society, also furthers the principle of complementarity. In this context, we wish to highlight the complementarity programme of the Justice Rapid Response facility, which offers assistance and mentoring to States that are willing to investigate conflict-related international crimes.

In this forum, I would like to make particular note of the ongoing cooperation between the United Nations and the ICC as described in the report. We share the Court's strong appreciation for the crucial support and cooperation from senior leadership of the United Nations, particularly the role played by former and present Secretaries-General, as well as the engagement of the relevant United Nations departments, among which the Office of the Legal Counsel should be highlighted. We welcome the ongoing high-level consultations between the principals of the Court and senior United Nations officials. This dialogue also

sets the course for more concrete areas of cooperation, including stronger cooperation in the field and supportive policy statements from relevant United Nations bodies.

Enhanced cooperation between the Court and the Security Council is still necessary. This is particularly true in cases of non-cooperation with the ICC, as well as for strengthened follow-up on situations referred to the Court by the Security Council. We also note with great concern that the Security Council has been unable to refer the Syrian situation to the ICC, and we strongly urge Council members to continue efforts in that regard.

The Nordic countries are appalled by the continued, blatant disregard for human rights and international humanitarian law in Syria. Without stronger and more committed action by the Council and States parties, the situation will not improve. All of those responsible for war crimes and other serious international crimes must be held accountable. Impunity is not an option. In this regard, the Nordic countries are proud to support the work of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, with the important mandate to collect, save and categorize evidence for future investigations and trials. We encourage others to do the same. Furthermore, our strong support for the Independent International Commission of Inquiry on the Syrian Arab Republic remains.

The full realization of the rights of victims is an important aspect of the continuing success and relevance of the Court. We commend the important work of the ICC Trust Fund for Victims, which has supported more than 450,000 victims in northern Uganda and the Democratic Republic of the Congo, and has recently launched an assistance programme in Côte d'Ivoire. We encourage States and other entities to contribute to the Trust Fund.

The Nordic countries also welcome the Court's ambitions to further enhance the efficiency of its activities. We especially welcome the Prosecutor's policies to address crimes against those most vulnerable in important areas, such as sexual and gender-based crimes and crimes against children.

In order for the Court to be able to carry out its mission in the most efficient way, it also needs to be properly funded. The Court's budget will be dealt with

in the Assembly of States Parties later this year, but we wish to underline the worldwide activities of the Court, as reflected in the Court's report. It is our common responsibility to ensure that the Court has sufficient resources to carry out its important mandate in a time of increasing demand.

Mr. Barros Melet (Chile), Vice-President, took the Chair.

Likewise, it is the obligation of the Court to ensure its effective and efficient functioning, and we commend the steps taken in this regard, as well as in terms of developing performance indicators. We also stress the importance of upholding and strengthening governance standards and ensuring proper investigation of alleged misconduct. In this context, we particularly note the need to address recent allegations and ensure that the impartiality and independence of the Court remains beyond doubt.

I would like to conclude by renewing our pledge that the Nordic countries will remain staunch supporters of the ICC. We are committed to continuing to work for the Court's effectiveness, independence and integrity.

Ms. Beckles (Trinidad and Tobago): I have the honour to speak on behalf of the 14 States members of the Caribbean Community (CARICOM).

We are grateful to the Secretary-General for the annual report of the International Criminal Court (ICC) (see A/72/349) and supporting documents, which provide useful information on the activities of the Court in the 2016-2017 period.

CARICOM'S unwavering commitment to the ICC is informed by its recognition of the importance of ending impunity for perpetrators of the most serious crimes of concern to the international community, namely, the crimes of genocide, crimes against humanity, war crimes and crimes of aggression, as outlined in article 5 of the Rome Statute. We therefore join with other members of the international community in underscoring the importance of preventing such crimes and ensuring that those responsible for perpetrating them are brought to justice. It is noteworthy to mention that, from our region, the late Arthur N. R. Robinson, former President and Prime Minister of the Republic of Trinidad and Tobago, has been credited as one of the forefathers of the ICC through his pioneering work which led to the establishment of the Court.

In the light of the concerns of some over the criminal jurisdiction of the ICC as a threat to national sovereignty, we wish to recall that, consistent with the principle of complementarity enshrined in the Rome Statute, the Court's jurisdiction is invoked only when States refuse to prosecute those alleged to be guilty of committing grave crimes of concern to the international community or where they lack the appropriate domestic jurisdiction to do so. No individual or State should fear the ICC, as it is a court of last resort.

Notwithstanding its many challenges, we cannot ignore the fact that the ICC continues to be a beacon of hope for victims of crimes within its jurisdiction who are seeking justice. These include thousands of women and children, who are often the ones most affected by the actions of criminals who show blatant disregard for the sanctity of human life by violating international humanitarian law and international human rights.

As stated in the report of the ICC, we are pleased to note that, to date, the Trust Fund for Victims and implementing partners have assisted more than 455,000 victims, including through providing physical and psychological rehabilitation, as well as material support to survivors of Rome Statute crimes. We also urge States and other entities in a position to do so to contribute to the Trust Fund, with a view to providing for the expansion and sustenance of its assistance programmes as well as for Court-ordered reparations.

CARICOM asserts that the success of the Court is intrinsically linked to the universality of the Rome Statute. Therefore, we are convinced that through increased cooperation, the Court would be better able to effectively discharge the mandate entrusted to it by States parties. In this regard, we reiterate our commitment to promoting the universality of the Rome Statute of the ICC and urge all States that have not yet done so to take the necessary steps to ratify and fully implement the Statute with a view to promoting its universality.

CARICOM recalls the decision made at the Review Conference of the Rome Statute held in 2010 in Kampala, Uganda, for the Court to exercise its jurisdiction over the crime of aggression once 30 States had ratified the amendments proposed there and subject to a decision of the Assembly to activate that jurisdiction. We therefore look forward to the upcoming decision of the Assembly to activate the Court's jurisdiction over the crime of aggression later this year, with a view to ensuring that

the Court is able to exercise wider jurisdiction, including over crimes of aggression, thereby preventing impunity.

CARICOM recognizes that during the current reporting period, three States parties acceded to the Agreement on the Privileges and Immunities of the ICC, bringing the total number of parties to the Agreement to 77. Further, four States parties have ratified or accepted article 8 and the crime of aggression amendments to the Statute, bringing the total number of States parties to both amendments to 34. In addition, four States have acceded to the article 124 amendment, bringing the total number to five.

CARICOM recognizes the importance of cooperation with the United Nations to the proper functioning of the Court. We are therefore pleased to note that during the current reporting period, the Court continued to receive crucial support and cooperation from senior United Nations officials, including the current Secretary-General. We also commend the United Nations on its efforts to provide staff for interviews and testimony.

As part of larger efforts to further advance cooperation with the Court, we are particularly pleased to recall that, on 10 and 11 January 2017, in Trinidad and Tobago, the ICC organized a high-level seminar for CARICOM on fostering cooperation with the Court. CARICOM commends the ICC for its efforts in this regard and reiterates its firm commitment to cooperating with the Court and upholding its mandate.

Pursuant to the provisions of the Relationship Agreement, which provides for the close cooperation between the Court and the United Nations in discharging their respective responsibilities, CARICOM is satisfied that in the period from July 2016 to June 2017, the United Nations cooperated extensively with the Court, with a view to further strengthening their relationship and ensuring the effective implementation of the Agreement.

In accordance with the report of the Secretary-General on this agenda item, we wish to recall that the capacity of the Security Council to refer a situation to the Court is crucial to promoting accountability, but active follow-up on referrals to ensure cooperation, namely, the arrest and surrender of individuals, is necessary to guarantee that justice is delivered. We note with deep concern that the Security Council has failed to respond to several notifications of findings of non-cooperation in any substantive form.

CARICOM is also disturbed by the failure of some States to honour their legally binding obligations to cooperate with the Court in the execution of outstanding arrest warrants. Those that fail to cooperate with the Court to bring criminals to justice are contributing to a culture of impunity that not only undermines the rule of law but also serves as an affront to victims of grave crimes.

CARICOM commends the efforts of the Court to ensure that justice prevails and that criminals are not allowed to continue their actions with impunity. We remain satisfied with the steadfast commitment and hard work of the ICC Prosecutor, Ms. Fatou Bensouda, who continues to discharge her mandate in a manner consistent with the provisions of the Rome Statute of the ICC. We take note of the newly opened preliminary examination during the current reporting period, as well as the ongoing examinations being conducted.

CARICOM once again expresses its concern over the increasingly heavy workload of the Court. Pursuant to the report of the ICC, we note that the Prosecutor is engaged in ongoing investigations in relation to ten situations. Two judgments have been issued, in which six accused were convicted and sentenced, three trials are ongoing and two cases are on appeal. Further, proceedings relating to reparations in four cases are under way. To this end, we reiterate our call for the ICC to be provided with the resources necessary to properly discharge its mandate and ensure that the perpetrators of the most serious crimes of concern to the international community are brought to justice. CARICOM also urges the States parties that have not yet done so to pay their outstanding contributions so as to ensure that the Court is able to discharge its responsibilities in an effective and efficient manner.

Pursuant to article 115 (b) of the Rome Statute of the ICC and the Relationship Agreement between the United Nations and the ICC, CARICOM recalls that the expenses associated with referrals by the Security Council should be provided by funds from the United Nations. To this end, we once again reiterate our call for the United Nations to honour its obligations to meet the costs associated with referrals by the Security Council to the ICC.

In closing, I would like to reaffirm the unwavering support of CARICOM for upholding the mandate of the Rome Statute of the ICC and for cooperating with the Court with a view to putting an end to impunity for

the perpetrators of the most serious crimes of concern to the international community and ensuring that adequate reparations are provided to victims.

The Acting President: I now give the floor to the observer of the European Union.

Mr. Chaboureau (European Union) (*spoke in French*): I have the honour of speaking on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia; Albania, country of the Stabilization and Association Process; and potential candidate Bosnia and Herzegovina, and Ukraine, the Republic of Moldova and Georgia align themselves with this statement.

We would like to thank President Fernández de Gurmendi for her comprehensive briefing. We also thank the International Criminal Court (ICC) for its annual report to the General Assembly (see A/71/349), covering the period from 1 August 2016 to 31 July 2017 and detailing a particularly busy year for the International Criminal Court.

The European Union and its member States consider the fight against impunity for the most serious crimes, by holding the perpetrators accountable for their actions and ensuring justice for the victims, to be the key to a just and fair society. We are strong supporters of the Court, which, as a crucial institution for the promotion of a rules-based world order, aims to deliver justice to the victims of the most serious crimes when that is not possible at the national level. The Court remains an essential custodian of international humanitarian law and human rights in all countries and is a source of hope for the millions of victims of atrocities committed around the world.

Complementarity is at the heart of the system that was created by the Rome Statute. The responsibility for bringing offenders to justice lies with Member States themselves. In this regard, for the system to work, all States parties must adopt effective national laws so as to implement the Rome Statute. Through various assistance instruments and projects, the European Union remains committed to supporting initiatives aimed at encouraging Member States to cooperate in the fight against impunity, including by improving ways to provide mutual legal assistance.

The European Union and its member States welcome the decisions taken by South Africa and the

Gambia to reverse their prior decisions to withdraw from the Rome Statute. We regret that Burundi has not reconsidered its decision to withdraw. We invite States to contribute to the efforts to combat impunity for major international crimes, in accordance with the objectives and principles of the Rome Statute and the primary responsibility of Member States to bring offenders to justice. We believe that it is important to work constructively on the perception that people might have of the Court.

We also note that, during the reporting period, three States acceded to the Agreement on the Privileges and Immunities of the International Criminal Court, and four States parties have ratified or accepted the amendments to the Rome Statute, in particular article 8 thereof, which pertains to the crime of aggression. That brings the total number of parties that have accepted those amendments to 34.

We also note that the threshold of 30 ratifications of the amendments on the crime of aggression, as provided for in resolution RC/Res.6 of the Review Conference on the Rome Statute, adopted on 11 June 2010, has been met. We note the ongoing discussions on the Court's jurisdiction over the crime of aggression prior to the Assembly of the States Parties to the Rome Statute, to be held in December. We also welcome the fact that four Member States have acceded to the amendments to article 124.

With 10 cases under investigation by the Prosecutor, 10 preliminary inquiries, three ongoing trials and two appeals, the ICC is conducting investigations and trials that touch upon most parts of the world, whether it be Latin America, Asia, Africa or Europe. While the effective management of the heavy workload of the ICC is acknowledged to be a real challenge, the increase in the number of cases referred to the ICC reflects the fact that many Member States place their hopes in the Court to bring about justice and accountability.

We are aware of the important legal developments that the ICC, in fulfilling its mandate during the reporting period, initiated, in particular opening a preliminary inquiry into the situation in Gabon and commencing the trial of Dominic Ongwen with regard to the situation in Uganda. We take note of the Court's judgments during a reporting period in which six defendants were convicted and sentenced. The judgment of the Court with regard to the situation in Mali is the first case on the destruction of cultural property, as

well as the first case in which an accused has pleaded guilty, and its judgment on the situation in the Central African Republic relates, for the first time, to charges of offences against the administration of justice.

Within the context of the ICC's increasing activity, it is essential that the Court operate in an efficient and effective manner. We therefore warmly welcome the efforts of the Court to implement reforms aimed at improving the efficiency and performance of its activities at all stages of the judicial process, as well as efforts aimed at improving governance and transparency.

The European Union and its member States welcome the actions undertaken by Member States, international organizations and civil society to assist and bolster cooperation with the Court. Furthermore, we appeal to all States to support and facilitate the work of the Court throughout its judicial proceedings. We also welcome the many forms of fruitful cooperation between the United Nations and the Court.

The recent report of the Court describes its efforts to fulfil its mandate and the many positive developments that are taking place as well as the challenges it faces. An ongoing fundamental challenge is the need to ensure cooperation with the Court. Cooperation with the Court and the enforcement of its decisions are indeed essential for the Court to be able to carry out its mandate. This applies not only to all States parties to the Rome Statute, but also when the Security Council has referred a situation to the Court, in accordance with the provisions of Chapter VII of the Charter of the United Nations.

The European Union and its member States fully agree with the Court that the Security Council's prerogative to refer a situation to the Court can help to promote accountability in countries where serious crimes may have been committed, but where the Court would have no jurisdiction to act without action from the Security Council. We note with concern cases of non-cooperation, including in situations referred to the Court by the Security Council. We invite the Council to find ways to improve the implementation of the obligations created by these referrals, particularly with respect to the situations in Darfur and in Libya.

Non-cooperation with the Court hampers its ability to deliver justice. We urge all Member States to take coherent and decisive measures to encourage full and appropriate cooperation with the Court, including

through the prompt implementation of arrest warrants. We note with concern that arrest warrants for 15 individuals remain outstanding. We also reiterate the importance of States refraining from harbouring or hiding the perpetrators of the most serious crimes, and of their taking the steps necessary to bring perpetrators to justice so as to put an end to impunity. Aware of the importance of cooperation in the fight against impunity, we welcome the 20 October Paris seminar on financial cooperation with the Court, which was organized by the French and Senegalese Ambassadors to The Hague.

It is important to persevere in the efforts deployed to reduce the difficulties facing the Court. At the same time, it is also important to recognize and welcome the very positive aspects of the work that the Court has accomplished. In particular, with regard to victims, the European Union, a strong supporter of the Court, wishes to highlight the Court's activities on their behalf, in particular the fact that 2,089 victims have been allowed to participate in Court proceedings. In addition, the Court received 13 new applications for victims' participation in proceedings, 2,207 requests for reparations and 2,505 claims covering both reparations and participation in proceedings.

We especially welcome the strengthening of the ICC Trust Fund for Victims, which is a key pillar of the work of the ICC, and we express the full support of the European Union to the Fund, which contributes to the achievement of an inclusive and lasting peace by helping the victims who are beneficiaries of the Fund to return to a dignified and fruitful life in their communities.

We particularly welcome the assistance projects aimed at providing support to survivors of crimes under the Rome Statute in northern Uganda and the Democratic Republic of the Congo, as well as the launch of an assistance programme for victims in Côte d'Ivoire.

The universality of the Rome Statute is essential to ensure accountability for the most serious crimes affecting the entire international community. Today, more than ever, the world needs the ICC, and the ICC needs the support of all countries. That is why we call on all States Members of the United Nations that have not yet done so to consider ratifying or acceding to the Rome Statute, thus demonstrating their commitment to the fight against impunity, the prevention of atrocities and the strengthening of international law and the rule of law. During the reporting period, the European

Union continued its efforts aimed at promoting the universality of the Rome Statute and the Agreement on the Privileges and Immunities and at improving understanding of the mandate of the Court.

Next year's twentieth anniversary of the adoption of the Rome Statute will be a good opportunity to urge the international community to engage in a more concerted collective effort in support of the Court. The European Union and its member States are committed to continuing to work with all partners to further strengthen the International Criminal Court and, more generally, international criminal justice.

Mr. Tenya Hasegawa (Peru) (*spoke in Spanish*): Peru reaffirms its commitment to fighting impunity and to the work of the International Criminal Court (ICC), a judicial institution that, in accordance with the principle of complementarity, is fundamental to efforts to prevent serious crimes from going unpunished. For this reason, we welcome the report of the International Criminal Court on its activities during the 2016-2017 period (see A/72/349), presented today to the General Assembly by the President of the Court, Judge Silvia Fernández de Gurmendi, as well as the report on information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/72/342).

Furthermore, my delegation looks forward to the adoption by consensus of the draft resolution on the report of the ICC (A/72/L.3), which we have also co-sponsored. In this regard, my delegation believes that there is a convergence between the values and ideals of the Rome Statute and the principles and purposes of the Charter of the United Nations.

Acknowledging the work of the bodies of the International Criminal Court pursuant to the Rome Statute, we wish to state — as a recent sign of our concrete support — that Peru ratified this year the Agreement on the Privileges and Immunities of the Court, which promotes compliance on Peruvian territory with the mandate of the Court and its personnel. Indeed, this work is reflected in the substantial caseload taken up by the Court since the beginning of its operations, namely, 25 cases and investigations in 10 situations, as well as 10 preliminary examinations currently being undertaken by the Office of the Prosecutor.

Notwithstanding the ICC's outstanding performance, we recognize that international criminal

justice continues to be a goal to which we aspire and that the Court needs the constant support and decisive cooperation of States. Indeed, political support must come not only from the States parties to the Rome Statute, but from all States Members of the United Nations. Likewise, the States parties to the Statute have a legal obligation to provide assistance to the Court, including through the arrest and surrender of individuals subject to outstanding arrest warrants. In addition, we highlight the importance the Court attaches to the participation of victims in its proceedings. This participation is essential to help fulfil the Court's mandate and must be guaranteed at all stages of the process, be it individual or collective participation.

Peru recognizes that the Court could be more effective and therefore supports the adoption of practical measures consistent with the Rome Statute that streamline processes, thereby improving the Court's effectiveness, including the proposed amendments, as long as they do not undermine due process or the rights of parties and victims. We also wish to state our concern about the Court's financing, particularly in relation to those cases referred to it by the Security Council, pursuant to article 13 (b) of the Statute.

My delegation wishes to reiterate the need to move forward towards comprehensive reform of the Security Council, in particular with regard to its working methods and the use of the veto, which is relevant in the light of the imperative to prevent atrocious crimes. Peru therefore supports the initiatives of France and the Accountability, Coherence and Transparency group on the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes.

With regard to the relationship between the International Criminal Court and the Security Council, my delegation wishes to highlight the need to continue strengthening their interaction and encourages increased cooperation between them, including, if possible, between the Council's sanctions committees and the Court.

As a member delegation of the Informal Ministerial Network for the International Criminal Court, we attach importance to the universality of the Rome Statute and urge the 71 Member States that have not yet done so to consider ratifying the Statute. Accordingly, we express our concern over the possibility that some States may choose to withdraw from the Rome Statute.

Peru is a peaceful and stable country that, thanks to the implementation of genuine accountability mechanisms, has overcome some serious internal conflicts. Such mechanisms are the best way to prevent the recurrence of serious violations of human rights and international humanitarian law.

Looking to the future, we believe that accountability and the fight against impunity are reflected in the 2030 Agenda for Sustainable Development, in particular within Goal 16. The Agenda is an important platform for promoting international justice within the framework of the rule of law and access to justice at the national and international levels.

Ms. Kuret (Slovenia): Slovenia welcomes today's debate on the activities of and latest developments in the International Criminal Court (ICC). Slovenia aligns itself with the statement just made by the European Union. In the light of the importance of the subject matter before us, we would like to make some additional comments.

Slovenia joins others in thanking President Fernández de Gurmendi for joining us here today and for her helpful briefing on the latest report of the Court (see A/72/349). As a long-standing supporter of the ICC, Slovenia takes this opportunity to reaffirm its strong support for the Court.

We note with appreciation that the Court has continued to handle a heavy workload as it pursues its work on the situations that spread across many regions of the world. It opened a new preliminary examination of the situation in Gabon, following its referral and sustained important efforts with respect to international cooperation and outreach activities.

With victims being at the centre of the Rome Statute system, we are particularly pleased to note the positive developments concerning reparations to victims. Assistance to victims and reparations for their suffering and loss are essential for justice to be truly meaningful. The Trust Fund for Victims plays an important role in that respect, and, recognizing the increased activities and needs of the Trust Fund, I am pleased that Slovenia has recently made a financial contribution to it.

We would also like to welcome the ratifications of and accessions to the Kampala amendments to the Rome Statute. As the second State to have both ratified and implemented the Kampala amendments, Slovenia

continues to promote the universality of the Rome Statute and the Amendments thereto.

We express our strong support for the swift activation of the Court's jurisdiction over the crime of aggression, which is expected this year. That is the final step needed for the historic achievement in Kampala to be brought to life. My country is convinced that the States parties to the Rome Statute will be able to meet that goal.

The ICC is the only permanent international criminal court that serves the fundamental purpose of offering justice to victims when States are unable or unwilling to do so. Slovenia is particularly reassured that following last year's announcements of decisions to withdraw from the Rome Statute, two Member States have revoked their decisions and thus continue to play a role within the Assembly of States Parties. In that context, Slovenia wishes to highlight the importance of making continuous efforts against the culture of impunity and stresses the significance of the primary responsibility of States to combat impunity in good faith.

A great portion of this year's report focuses on international cooperation, and rightly so. The ICC is certainly the key international institution for administering criminal justice. However, lacking enforcement powers and outreach capacities, it depends greatly on the cooperation and support of States and civil society, as well as of regional and international organizations.

Slovenia greatly values the many forms of mutual cooperation between the United Nations and the ICC, both in headquarters and in the peacekeeping missions and other United Nations presence in the field. United Nations support is crucial, ranging from information exchange and provision of services, facilities and field support, to cooperation from the senior leadership of the United Nations. Slovenia is pleased to note that cooperation between the United Nations and the ICC is generally exemplary. At the same time, we recognize room for improvement.

Slovenia welcomes the Secretary-General's call in the latest report on the rule of law (A/72/268) to address the outstanding challenges regarding the efficiency and sustainability of international accountability mechanisms. In that context, Slovenia considers that increased cooperation between the Security Council and the ICC would contribute significantly to preventing

atrocities crimes, as well as to the effectiveness and credibility of the Court.

The roles of the Council and the Court are inherently interrelated. For example, the Council has the capacity to play an important part in addressing non-cooperation with the Court. It can contribute to the Court's effectiveness through its work on sanction-related matters, such as travel bans and the freezing of assets. Moreover, active follow-up by the Council on its referrals to the ICC would decisively contribute to the Court's effectiveness.

Despite the fact that, admittedly, some of the outstanding issues are more challenging — such as the matter of funding with respect to the situations referred to the ICC by the Council — that should not preclude us from addressing them. With a view to exploring avenues for improved cooperation between the United Nations and the ICC, Slovenia would welcome open exchange and structured dialogue between the Council and the Court. The fast-approaching twentieth anniversary of the adoption of the Rome Statute is an appropriate opportunity to call for increased efforts to that end.

Cooperation with the ICC by States parties to the Rome Statute, as well as by States that are not parties in the case of Security Council referrals, is not a policy choice. It is an international legal obligation. Slovenia is concerned that 15 arrest warrants issued by the Court remain outstanding, some of them for several years. That is a serious obstacle to the Court's mandate and credibility. It is clear that more should be done by States to ensure the execution of outstanding warrants. Slovenia therefore calls for full and prompt cooperation with the Court.

The Court's efficiency and integrity are also critical for its credibility. In that regard, Slovenia welcomes the continuous efforts within the Court to introduce further improvements to the efficiency and effectiveness of its proceedings. We recognize the importance of addressing the challenges facing the Court. The Court is not exempt from criticism, and it has already lived through some challenging moments. In that context, Slovenia underlines the important role of internal processes and of the Independent Oversight Mechanism of the Court. We place our trust in the Mechanism and are confident that through its work the Court will continue to reinforce its integrity.

Our common goal should be an impartial, independent, universal and effective ICC that delivers

high-quality judgments and places victims at the centre of its tasks. That will require joint efforts by all stakeholders. Slovenia remains firmly committed to the rule of law and international criminal justice and stands ready to contribute to further strengthening international criminal justice.

Mr. Bessho (Japan): I would like to begin by thanking President Silvia Fernández de Gurmendi for her dedication and leadership, as well as for the comprehensive report (see A/72/349) on the work of the International Criminal Court (ICC). I would also like to thank Mexico for preparing and introducing today's draft resolution (A/72/L.3). Japan is happy to co-sponsor the draft resolution and strongly hopes that it will be adopted by consensus.

Japan is committed to the fight against impunity and to supporting the International Criminal Court. Earlier this year, the President of the ICC, Judge Silvia Fernández de Gurmendi, visited Tokyo and met with Prime Minister Abe and other high-level officials of the Government of Japan. In their discussions, they talked about the importance of promoting the universality of the Rome Statute, especially in the Asia-Pacific region. Prime Minister Abe reiterated Japan's support for the ICC and expressed his hope that it will play a greater role, thereby contributing to the establishment of the rule of law in the international community.

Japan's core policy towards the Court is to enable it to function effectively and sustainably with the support of the international community. Japan is proud to be the largest financial contributor to the Court. We are also dedicated to supporting the Court through capable human resources, including judges. Two Japanese staff have also joined the ICC for the first time this year through its new Junior Professional Officers programme.

Japan believes that the ICC has contributed to steady progress in international justice. The Court has been exercising its jurisdiction over 10 situations, and 10 preliminary examinations are ongoing. Nevertheless, we are aware that financial and human resources are limited, and we believe that they should be used efficiently. With that in mind, the Japanese Ambassador to the Netherlands, Mr. Hiroshi Inomata, has been working with Chile to co-chair the Study Group on Governance to enhance the efficiency of the Court. We also welcome the ICC's efforts to improve the efficiency of proceedings, including through a retreat

for the judges. We strongly believe that those exercises undertaken by the States parties and the Court can help alleviate its workload.

Japan strongly believes that to ensure that the ICC effectively promotes the rule of law around the world, more countries should join the ICC. In the long run, the ICC should aim at becoming a truly universal criminal court so that it can gain strong support for its work. We therefore welcome the decisions by The Gambia and South Africa to rescind their withdrawal from the ICC. In order to maximize support from a greater number of States, the ICC and its States parties should continue to listen to the various concerns expressed and make efforts to enhance the ICC's universality.

In that regard, we welcome the understanding on the participation of observer States in meetings of the Assembly of States Parties. We hope that will lead to more States becoming parties to the Rome Statute. Also in the same vein, in August this year, Japan, together with the Netherlands and the ICC, hosted an outreach event in Tokyo involving non-States parties in the Asia-Pacific region to share Japan's experience in acceding to the Rome Statute and harmonizing its domestic legislation with it. In April, Ambassador Tomoko Akane — Public Prosecutor, Supreme Public Prosecutors Office of Japan and candidate for ICC judge — also shared Japan's experience with non-States parties at an ICC high-level regional seminar held in Seoul for the same purpose.

Discussions are ongoing on the activation of the ICC's jurisdiction in the crime of aggression. I would like to express my gratitude to the facilitator of the process for all the excellent work in steering the facilitation with professionalism and dedication, which is not an easy task.

Reiterating the importance of legal clarity, we strongly hope that the Assembly of States Parties remains united for the effective and sustainable functioning of the ICC. Japan stands ready to continue to engage actively in the discussions in order to work towards a consensus-based solution.

Japan will continue to strongly support the ICC's work in the fight against impunity. Earlier this year, we were pleased to donate the Peace and Justice Bell to the Court as a symbol of this ongoing commitment. We hope that the Bell will serve as a reminder to all visitors to the Court that we all strive for peace and justice through supporting the important work of the ICC.

Mr. Castro Córdoba (Costa Rica) (*spoke in Spanish*): My delegation thanks Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, for the presentation of the report on the activities of the Court for 2016-2017 (see A/72/349), pursuant to article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of resolution 71/253.

The International Criminal Court is undeniably the most important achievement of international justice. It was born from the will of the international community to put an end to impunity for the most serious crimes against humanity and to deliver justice to their victims. Its very essence and its main strength derive from the fact that the yearning for justice is universal. The world requires that there be no State where impunity is allowed.

Therefore we welcome the actions intended to bring about the universality of the Rome Statute and its amendments. In that regard, we congratulate Portugal and Argentina for having ratified the Kampala amendments on the crime of aggression, bringing the number of ratifying States to 34. Costa Rica also welcomes the fact that South Africa and The Gambia have reconsidered their decisions to withdraw from the Court, and we urge all States parties to continue working to achieve universality.

With regard to the victims, my delegation recognizes and welcomes the fact that the Trust Fund and its implementing partners at the local level are continuing to provide assistance to more than 455,000 victims, in both Uganda and the Democratic Republic of the Congo, by providing physical and psychological rehabilitation services and material support to survivors of crimes defined in the Statute. We are also struck by the fact that in the reporting period, the Court has received a total of 4,725 requests for participation or reparation from victims. That is a reflection of the importance and the central role of the Court for the victims of the most heinous crimes under international law.

Returning to the common goal of ending impunity for heinous crimes, we cannot forget that the Court undeniably functions pursuant to the principle of complementarity. It was not established to replace national courts in their functions. Here, we need to reaffirm that the primary obligation to put an end to impunity for the most heinous crimes falls to States in the responsible exercise of their sovereignty.

State sovereignty imposes obligations, among them that of investigating and prosecuting crimes committed under the State's jurisdiction. Pursuant to article 17, paragraph (a) of the Statute, only when a State party "is unwilling or unable genuinely to carry out the investigation or the prosecution" is it possible for a matter to be brought before the International Criminal Court. For that reason, complementarity is therefore an essential element in the machinery of international justice.

However, it is vital to be clear that when the jurisdiction of the Court applies, States parties must comply with the unrenounceable duties arising from the Rome Statute. It is particularly serious when non-compliance results in the refusal to provide the required support to the investigations of the Office of the Prosecutor, preventing or hindering access to evidence, which can disrupt a process, opening the way for impunity. Likewise, the fight against impunity is hindered whenever a State party fails in its obligation to carry out arrest warrants. The lack of cooperation with the Court in carrying out such orders also impedes the justice that the victims demand and deserve.

Non-cooperation with the Court under the argument that it is not impartial because a high percentage of its cases are in the same region is not acceptable. It is time for us to change our narrative. Those who make that argument fail to recognize that the situations in Mali, Côte D'Ivoire, Uganda and the Democratic Republic of the Congo and the two in the Central African Republic were referred to the Court by the Governments of those countries. As for the situations in Libya and the Sudan, they were referred by the Security Council. Only 2 out of 10 situations were initiated by the Court itself: the situations in Kenya and Georgia. It would be absurd to claim that the Prosecutor's Office rejects referrals from States parties in order to maintain a geographical balance in their cases.

Since its inception, the Court has dealt with a total of 25 cases and carried out investigations in 10 situations. In addition to its investigations, the Office of the Prosecutor is currently conducting 10 preliminary examinations, including a preliminary investigation submitted by the Gabonese Republic on alleged crimes committed in its territory since May 2016.

To be able to continue complying with its mandate, the ICC requires the support and cooperation of the entire international community, in particular the

United Nations, with which it shares the ideals of accountability, the protection of human rights and the maintenance of international peace and security. In that regard, we welcome the fact that the Court had the valuable cooperation of the United Nations on various issues, such as operational assistance in the field, the provision of United Nations personnel for interviews and, on several occasions, for testimonies, and the disclosure of information by the United Nations, provided on a reimbursable basis.

However, my delegation reiterates the need for the United Nations to participate in financing the referrals by the Security Council to the Criminal Court. The Charter of the United Nations holds the Council responsible for the maintenance of international peace and security, and by assuming those referrals, the Court is helping that organ to fulfil its mandate. In those cases of cooperation, article 13 of the Relationship Agreement between the Court and the United Nations, which provides for the economic contribution of the United Nations, must apply.

To conclude, Costa Rica wishes to emphasize its complete support for the Criminal Court and its commitment to continue supporting the universalization, independence and integrity of the Court so that, in conjunction with the other States parties, and with the support of the community of nations, we guarantee respect for and the fulfilment of international justice.

Mr. Racoviță (Romania): Further to the statement delivered by the European Union, to which Romania subscribes fully, the Romanian delegation would like to thank President Fernández de Gurmendi for her thorough presentation and the International Criminal Court (ICC) for its annual report submitted to the United Nations (see A/72/349).

While the International Criminal Court is still under development and has not reached its full potential, we agree that the Court has established itself as an integral part of the international legal system. The existence of the ICC represents an important guarantor of the rights of the millions of victims of atrocity crimes around the world and provides an essential contribution to the fight against impunity and the establishment of the rule of law.

The heavy workload highlighted in this report points yet again to the need for a permanent international criminal court and to the importance of enhancing the Court's efficiency and effectiveness.

In that respect, we welcome the reform measures undertaken to improve the performance and governance of the International Criminal Court and encourage their further implementation. We also note the rising number of situations submitted by States, which we see as a sign of increasing trust in the Court's capacity to deliver high-quality justice. As it navigates in politically tense environments, the independent judicial machinery of the ICC is staying the course. Yet, challenges persist, and more efforts should be made to ensure full and prompt cooperation with the Court, especially with regard to arrests and the surrender of suspects.

We welcome the fact that the Court continues to receive valuable support from the United Nations, both from Headquarters and from United Nations missions in the field. At the same time, we express support for actions meant to further explore and strengthen cooperation between the Court and the Security Council in the area of preventing the commission of crimes under the Rome Statute and in facilitating the arrest of suspected individuals. In that context, we caution against the negative effects on the credibility of the criminal justice system caused by the lack of follow-up by the Security Council to reported instances of non-cooperation in the case of its own referrals to the ICC. Consequently, we join the calls for finding appropriate ways to address this problem.

On a general note, we support the activities aimed at enhancing judicial cooperation and at garnering diplomatic support and greater awareness of the Court's mandate. While each State should deliver on its legal obligations stemming from the Rome Statute and/or resolutions of the Security Council, the ICC, together with supportive States, should invest in communicating better about its work, including in direct dialogue with the countries concerned and in addressing lingering misperceptions.

Achieving the universality of the Rome Statute remains a long-term goal, to be pursued jointly by the Court and the States parties. We welcome the decisions by South Africa and The Gambia to reverse their previous decisions to withdraw from the 1998 Statute. Those latest developments have demonstrated the need for more constructive dialogue with States so as to understand and address their concerns, without affecting the integrity of the Statute. Prosecuting high-profile individuals for atrocity crimes is inherently marred by political and practical challenges, but we should all keep in mind the victims of unspeakable crimes, who

place their ultimate trust in the international justice system. It is in that spirit that Romania will continue to actively promote the ratification and effective domestic implementation of the Rome Statute and the Agreement on Privileges and Immunities of the Court.

As the ICC is a court of last resort, Romania strongly supports the Rome Statute system based on the principle of complementarity. Given that States carry the primary responsibility to investigate and prosecute the crimes defined in the Rome Statute, strengthening their capacity to do so effectively is crucial to the global fight to end impunity. As a country focal point for complementarity since February 2017, Romania has been working to facilitate the exchange of information between the Court, States parties and other relevant stakeholders aimed at strengthening domestic jurisdictions, including on complementarity-related capacity-building activities.

The activity of the Court should not be evaluated in simplistic, quantitative terms, but with due consideration to its long-term impact, serving as a deterrent to the most serious crimes under international law and as a powerful tool to advance the culture of accountability globally.

Ms. Bird (Australia): When we met to consider this agenda item a year ago, Australia acknowledged that the International Criminal Court (ICC) was facing more challenges than ever before and the need to work with States that had raised concerns. While that work is ongoing — and we are disappointed by Burundi's withdrawal from the Rome Statute — we welcome the decisions of The Gambia and South Africa to rescind their withdrawals.

We also welcome the fact that States parties, civil society and individual citizens around the world have rallied around the ICC to confirm their commitment to the Court. Above all, we welcome the fact that the Court has not wavered in seeking to fulfil its mandate and has made significant progress in the fight to end impunity over the past year, as demonstrated by the report that President Fernández de Gurmendi has presented today (see A/72/349).

However, we do not pretend that no more challenges lie ahead. The ICC's mandate to hold to account those most responsible for serious international crimes — who all too often are among the most powerful — is likely to mean that the Court will always have more than its fair share of critics. States parties must engage in greater

outreach to help explain the Court's mandate and build support for its work. Australia will continue to work with all States to ensure that the Court is the strongest possible institution that it can be.

The ICC and the United Nations are striving to achieve the same goals. In the Preamble to the Charter of the United Nations, the goal is framed as saving succeeding generations from the scourge of war. The preamble of the Rome Statute expresses it as a determination to put an end to impunity for the perpetrators of unimaginable atrocities that deeply shock the conscience of humankind. Just as the maintenance of international peace and security is the first purpose of the United Nations — as listed in Article 1 of the Charter — the Rome Statute makes clear that the crimes over which the ICC has jurisdiction threaten the peace, security and well-being of the world, and that effective prosecution will contribute to the prevention of such crimes.

The point is that the ICC is a key partner of the United Nations. As a key partner, it is critical that the United Nations provides the ICC with the support it needs to deliver on its mandate. We welcome the support provided to the Court by the United Nations and encourage the Secretary-General to continue to enhance cooperation in accordance with the Relationship Agreement.

We have, however, heard the Prosecutor's repeated requests for effective Security Council follow-up and support each time she briefs the Council on the situations the Council has referred to the ICC under resolutions 1593 (2005) and 1970 (2011). It is essential that referrals be accompanied by the Council's clear demonstration of ongoing political support to emphasize the shared goal of ending impunity, reiterate the obligations that States are under to cooperate with the Court, and minimize any possible perception that the ICC is subject to the will of the Council. We are disappointed that that support has not yet been forthcoming, and we call on the Security Council to provide the necessary support to the Court.

If we are committed to reorienting this Organization to focus on prevention, we must not neglect the deterrent effect of consistent and reliable justice. When States with jurisdiction are unable or unwilling to investigate and prosecute Rome Statute crimes, the ICC has a critical role to play.

Would-be perpetrators will think twice if they know that the General Assembly stands behind the ICC and that the international community is serious about holding to account those responsible for serious international crimes. Victims will no longer feel ignored if their voices are heard. Affected communities will start to heal if accountability is used to break cycles of violence. For that reason, we urge those Member States that have not already done so to ratify the Rome Statute. We also call on the General Assembly to fulfil its role in the vital partnership between the ICC and the United Nations.

Mr. Weckowicz (Poland): Poland aligns itself with the statement made by the observer of the European Union on behalf of its member States. We would like to supplement that statement with a few comments in our national capacity.

At the outset, allow me to thank President Fernández de Gurmendi for her thorough briefing on the Court's activities in the reporting period. The International Criminal Court (ICC) has strived to maintain the highest standards of proceedings and proved again its importance in delivering justice to the victims. For that, we commend the Court.

We also applaud the efforts to enhance the efficiency of the Court and to expedite its work. Poland had the honour of hosting the judges of the Court in May during a judicial retreat in Kraków, where those issues, among others, were discussed. During their stay, the judges also visited the Auschwitz-Birkenau Memorial and Museum — the former Nazi concentration and extermination camp where the most serious crimes were committed.

Obviously, the Court cannot deliver justice on its own, hence the importance of complementarity, cooperation and the assistance of States. Moreover, the connection should be recognized between the rule of law, respect for international law, and support for criminal justice mechanisms. In our view, not only can the ICC contribute to the fight against impunity and to the prevention of the most serious crimes, it can also play a vital role in upholding international law and rules-based order in challenging times. That is one more reason to lend the ICC all possible support.

We have no doubts that bringing to justice the perpetrators of the most serious crimes is one of the factors that may foster peaceful coexistence among nations, and that the International Criminal Court

can also serve that aim. Poland, which is an incoming member of the Security Council for 2018-2019, recognizes that a more productive cooperation between the Council and the Court could render a significant service to the cause of international peace and security.

The Rome Statute creates a system in which States are equal in their rights and obligations and in which every State is free to join or leave. While 124 is a significant number of accessions or ratifications, Poland hopes that that number will increase and supports the universalization of the Statute. We welcomed the news about the Republic of South Africa and The Gambia revoking their decisions to withdraw from the Rome Statute.

We would like to underline our commitment to activating the ICC's jurisdiction over the crime of aggression. The Review Conference of the Rome Statute took place already seven years ago in Kampala, and since then 34 States parties, including Poland, have ratified the amendment. There is only one final condition that needs to be met in order to accomplish activation, and Poland hopes that the Assembly of States Parties to the Rome Statute will approve the activation of the Court's jurisdiction in December this year.

Throughout history, Poland has repeatedly fallen victim to aggression. Its inhabitants have suffered unprecedented crimes perpetrated by invaders — particularly during the Second World War. It is our dream to save others from such cruelties, and the Kampala amendments to the Rome Statute on the crime of aggression are a step in the right direction.

Poland supports the ICC in its efforts to achieve justice and peace in different parts of the world in the belief that the international community should draw conclusions from history, do its best to prevent the suffering of innocent people and bring those responsible for it to justice. Strengthened cooperation between the Court and international actors could serve those lofty aims. Let us work further towards their fulfilment.

Mr. Wenaweser (Lichtenstein): I would like to thank President Fernández de Gurmendi for her outstanding service to the cause of international criminal justice. This is the last time that she will present a report of the Court to the Assembly, and we will miss her.

The Rome Statute is nearing the twentieth anniversary of its adoption. Its history has been eventful, and it has been a success. The difficult

agreement reached in Rome was followed by a very fast ratification process. A wave of collective enthusiasm and strong commitment to multilateralism carried the Court forward at an unexpected speed. However, the Court also soon experienced strong opposition, a systematic effort to undermine its independent functioning, and those political headwinds have continued to this day. That should come as no surprise. The Court's mandate is to investigate and prosecute the most serious crimes under international law. Its policy is to identify the individuals who bear the largest responsibility for those crimes. Those individuals can be in very powerful positions, including Head of State. That is almost bound to result in political opposition and attacks against the very mandate of the Court.

The Court does not find itself in a confrontation with a particular region of the world. Rather, it is a confrontation with those who believe that some individuals should be beyond the reach of the law — a view that continues to exist in all parts of the world, even though it is firmly rejected by both the letter and the spirit of the Rome Statute. In speaking for the Court today, we are therefore not simply defending a landmark achievement in the history of international law; we are also speaking law to power.

A few weeks from now, States parties to the Rome Statute will have the opportunity to do the same, to speak law to power on an issue whose relevance could not be more obvious today: criminalizing the most serious forms of the illegal use of force. Regulating the use of force was one of the key objectives in creating the United Nations, and it also stood at the beginning of the international criminal justice project — the trials conducted in Nuremberg and Tokyo.

At the Rome Conference, many States felt that the greatest international criminal-justice project could be complete only if the crime of aggression was part of it. After very difficult discussions, the crime was indeed included as one of the four core crimes in the jurisdiction of the Court. However, exercise of jurisdiction was deferred until agreement on a definition was found. That agreement was reached, after years of painstaking legal work, at the Review Conference on the Rome Statute that took place in 2010 in Kampala. States adopted by consensus all the relevant provisions for the Court to be able to exercise jurisdiction over the crime of aggression. Those same States also agreed that the Kampala amendments would be activated once at least 30 States had ratified them and no earlier than

1 January 2017. With 34 ratifications in place, we are now finally in a position to make that historic decision.

The main features of the Kampala amendments are worth recalling. Only persons in leadership positions are criminally accountable. Not all forms of the illegal use of force lead to criminal accountability; only the most serious forms that constitute by their character, gravity and scale a manifest violation of the Charter of the United Nations amount to acts of aggression.

The Court can investigate on the basis of a Security Council determination, in accordance with Article 39 of the Charter. However, more importantly, in the absence of such a determination, the Court can still become involved as a result of relevant findings of the Court itself. The amendments thus fully safeguard the judicial independence of the Court.

Finally, while the nationals of non-State parties are exempt from the Court's jurisdiction altogether, the jurisdiction does apply between States parties if two conditions are met. First, one of the States involved in the conflict must have ratified the Kampala amendments. Secondly, the State alleged to have committed the act of aggression must not have declared that its nationals are not subject to the Court's jurisdiction.

This briefly illustrates the key features of the Kampala amendments. First, they are to a very large extent based on pre-existing international law, just like the rest of the Rome Statute. Secondly, the scope of jurisdiction agreed in Kampala is deep, and it is narrow. It excludes, most significantly, all nationals of the 70 States that have yet to join the Rome Statute — in stark contrast to the rest of the jurisdiction foreseen under the Rome Statute. In addition, it also gives States parties the policy choice not to subject its nationals to the Court's jurisdiction, even if they are to commit the crime of aggression on the territory of a State that has ratified the amendments. The Kampala consensus thus bears all the hallmarks of compromise, which can come as little surprise, given the legal and political difficulties of the project as a whole.

There has been much talk recently of the application of the Kampala regime to States parties that have not ratified the amendment. The solution agreed upon in Kampala is straightforward: while the amendments indeed bind only the States that have ratified them, ratifying States at the same time enjoy the legal protection against crimes of aggression committed on their territory. That simply reflects the principle of

territoriality, which in fact guides the Rome Statute as a whole.

That said, we are confident that our efforts to bridge that difference of opinion among States parties will be successful in the next few weeks. We are very much committed to reaching that goal with States parties. The activation of the Kampala amendments will send a strong message of the common sense of purpose among States parties and illustrate the importance of multilateralism. It will not only complete the Rome Statute in its original conception, but it will also complement the Charter of the United Nations.

Mr. Cho Tae-yul (Republic of Korea): At the outset, I would like to express my sincere appreciation to President Silvia Fernández de Gurmendi for her comprehensive presentation of the report (see A/72/349). My delegation also commends the joint efforts by the presidency, the Chambers, the Office of the Prosecutor and the Registry to help achieve an end to impunity for perpetrators of the most serious crimes of concern to the international community through various means, including the improvement of the functioning of the Court in a more efficient and effective manner.

Among the remarkable achievements the Court has made so far, we note that it issued a judgment on charges of offences against the administration of justice, the first ever in its history. We also welcome the contribution made by the Trust Fund for Victims, which has helped alleviate the pains of almost half a million victims.

With the twentieth anniversary of the adoption of the Rome Statute less than a year away, now is the time for the United Nations and the Court to work more closely together and to reassert the relevance and the importance of international criminal justice in securing the rule of law and international peace and security.

The International Criminal Court (ICC) was established as an independent permanent court in relationship with the United Nations. The fundamental tenet of this relationship envisioned in the Rome Statute is encapsulated in the reaffirmation of the purposes and principles of the Charter of the United Nations in the preamble of the Statute, which has been faithfully upheld and implemented in the actual practice of the Court.

Indeed, we cannot overemphasize the significant role that the ICC has played through its work to sustain

the three pillars of the United Nations, namely, peace and security, development, and human rights. Securing criminal justice for perpetrators of heinous crimes that shock the conscience of humanity constitutes part and parcel of the rule of law, which provides a solid basis for the successful implementation of the 2030 Agenda for Sustainable Development. For that reason, we support the ongoing cooperation between the Court and the United Nations on various levels, as set out in the report and presentation.

While the progress made on its path to ending impunity is quite remarkable, the Court has also faced a harsh reality on various fronts. To firmly establish itself as a robust and reliable institution for international criminal justice, the Court should overcome considerable challenges, with the help of various stakeholders, most notably States parties.

First, as an international court, the ICC cannot sustain itself without the active cooperation of multiple stakeholders, especially States parties, at each and every step of the process. To promote efforts towards universality and to enhance cooperation with States, it is critical that the Court further reach out to interested regions, States and relevant organizations. In that context, the eighth high-level regional seminar on fostering cooperation with the Court, which was held in Seoul in April, provided an invaluable opportunity for enhanced understanding of the ICC on the part of Asia-Pacific States.

While the cooperation between the ICC and States parties is vital for the proper functioning of the system, it is also indispensable for the Court to secure cooperation vis-à-vis the Assembly of States Parties, the United Nations and other international organizations, civil-society organizations and non-party States. Against that backdrop, it is regrettable that the Court-issued requests for arrest and surrender are still outstanding for 15 individuals. That requires tremendous and unyielding efforts by all of us, as exemplified by recent instances of non-cooperation.

Secondly, the success of our fight against impunity hinges not only on adequate cooperation but also on the universal application of the Rome Statute. The number of States parties to the Rome Statute has more than doubled since its entry into force in 2002, a remarkable achievement indeed. Nevertheless, the number still falls short of two thirds of the Members of the United Nations. The wider participation of States in the Rome

Statute would undoubtedly lead to stronger support for the Court. In that respect, we welcome the wise decisions of The Gambia and South Africa concerning their respective membership of the ICC family. We also encourage the remaining State to follow suit.

Thirdly, given the ever-increasing caseloads that the Court faces today, it is imperative that the ICC improve efficiency at various stages, while not losing sight of the importance of striking a balance between fairness and expediency. In that regard, we appreciate the Court's continued focus on streamlining its procedures by updating the Chambers Practice Manual with additional best practices, as well as by adopting meaningful amendments to the Regulations of the Court. Such initiatives are conducive not only to enhancing the effectiveness and efficiency of the functioning of the Court but also to garnering the broader support and trust of States parties.

The Republic of Korea has been a staunch supporter of the ICC since its inception. We will continue to be an important part of the concerted efforts of the international community to establish the ICC as a responsible, universal and efficient institution to end impunity for perpetrators of the most serious crimes against humanity. In that vein, we have full confidence in the able and accommodating leadership of the incoming President of the Assembly of States Parties, Mr. O-Gon Kwon, and we will provide adequate assistance to him in discharging his important duty.

Before concluding my remarks, I would like to commend the vital role of President Silvia Fernández de Gurmendi in leading the Court towards maturity as a dedicated President and as a passionate judge of the Court for the past nine years.

Mr. García Moritán (Argentina) (*spoke in Spanish*): It is a great pleasure for me to address the Assembly with you, Sir, in the Chair.

At the outset, I would like to express the great appreciation of the Argentine Republic at receiving this new report of the President of the International Criminal Court, our compatriot Silvia Fernández de Gurmendi, to whom we pay tribute for her tireless work as President of the Court. I also wish to express my great appreciation for reports of the Secretary-General on the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court (A/72/342) and on the expenses incurred and reimbursement received by the

United Nations in connection with assistance provided to the International Criminal Court (A/72/372).

We look forward to the adoption this year of the draft resolution on the report of the International Criminal Court (A/72/L.3), in conjunction with the presentation of the report of the Court by the President and the debate on the relevant agenda item.

The Court, through the laudable work that it has carried out since the last presentation of the report (see A/71/PV.37), has once again factually demonstrated that it is a fundamental tool in the fight against impunity and an essential element of the rule of law at the international level. On the eve of the twentieth anniversary of the adoption of the Rome Statute, Argentina reaffirms its ongoing commitment to the Court and to the universal nature of the Statute. Such support by Argentina is evident in various ways, among which we would note the signing of cooperation agreements with the Court — one on the issue of witness protection, signed on 21 November 2016, and another agreement related to the enforcement of sentences, which was signed on 18 April 2017.

Argentina has also ratified the Kampala amendments on the crime of aggression and welcomes the fact that the threshold of necessary ratifications has been reached to enable the Court to exercise its jurisdiction over that crime. Argentina resolutely supports the triggering of such jurisdiction by the Assembly of State Parties in December 2017 without prejudice to or reopening of the agreements reached in Kampala. Such triggering will complete the judicial structure of the Court, reaffirming the prevalence of law and justice over force in international relations.

We welcome the fact that the Court has been able to develop its activities relating both to preliminary examinations and to situations and cases in the discharge of its mandate within the limits of allocated resources. In that regard, we call on all Member States to become parties to the Rome Statute and to bear in mind the particular nature of the International Criminal Court when assessing its annual budget so that the budget may be approved at the next Assembly of States Parties, allowing the Court to fulfil its mandate and appropriately perform its crucial functions.

I would like to refer to the relationship of the Court with the United Nations. The relationship between the Organization and the Court is vital, always within respect for the judicial independence of the Court. In

this context, we reiterate some of Argentina's concerns regarding the referrals of situations by the Security Council, particularly the matter of the financial cost of such referrals. Those costs have so far been exclusively borne by the States parties to the Court, despite the clear provisions of the Rome Statute and the Relationship Agreement between the United Nations and the International Criminal Court according to which the cost of referrals must be borne by the United Nations.

The fight against impunity is an objective of the States parties to the Rome Statute and also of the States Members of the United Nations, but that objective must be accompanied by a commitment to provide the Court with the necessary resources to carry out its functions. A lack of action in that regard could jeopardize the sustainability of the Court's investigations and have an impact on the credibility of the Organization. Likewise, we believe that there is scope for a greater and better relationship between the Court and the Security Council, especially regarding the work of the Council's subsidiary bodies such as the sanctions committees or the Working Group on Children and Armed Conflict.

Finally, Argentina wishes to emphasize that the significant contribution of the International Criminal Court in the fight against impunity for the most serious international crimes is also a contribution to the objectives of this Organization. We wish to recall the noble mission and functions of the International Criminal Court in a multilateral system that aims to promote respect for human rights and achieve lasting peace in accordance with international law and the purposes and principles of the Charter of the United Nations. I take this opportunity to once again state Argentina's firm commitment to the International Criminal Court.

Mr. Hawke (New Zealand): We thank President Fernández de Gurmendi for her report (see A/72/349) and welcome the opportunity to discuss the contribution of the International Criminal Court (ICC) to international criminal justice and its relationship with the United Nations.

As this will be her last report, we thank President Fernández de Gurmendi for her contribution to the ICC. Under her leadership, the Court has prioritized improving the transparency, efficiency and accountability of the institution. We welcome the progress made in developing objectively measurable performance indicators, and we hope that progress will

continue under the leadership of the new ICC President. We were also pleased to welcome President Fernández de Gurmendi to Auckland earlier this year and to see her at the Pacific Islands Forum, which was recently held in Samoa.

New Zealand is a strong supporter of the ICC and its mandate to hold accountable those who commit the most serious international crimes, regardless of where they occur. For that reason, New Zealand remains a supporter of the universality of the Rome Statute and the principle of complementarity. Challenges to the universality of the Court go to its credibility and must be taken seriously. New Zealand has consistently taken the view that we must listen to one another's views and constructively debate concerns raised by all Member States and address them to the extent possible while preserving the integrity of the Court.

Last year, we saw some of the most significant challenges to universality that the Court has experienced to date. To overcome those challenges, we reaffirmed our commitment to meaningful dialogue with the Court and among States parties. Constructive dialogue continued at the Assembly of States Parties under the leadership of our President, His Excellency Sidiki Kaba. We welcomed South Africa and The Gambia's decisions to remain as States parties. We further encourage Burundi to reconsider its withdrawal from the Rome Statute. We hope that with continued engagement, there remains a pathway back to full membership of the Court.

Although we are pleased that the Court has weathered those significant challenges, we must not be complacent. New Zealand remains committed to continuing dialogue that is open, honest, respectful and focused on our common goal of ending impunity. We recognize that achieving this goal will include cooperation at the national, regional and international levels.

New Zealand recognizes the important role the Security Council can play in achieving accountability for international crimes. New Zealand has consistently said that the Council should carefully consider the use of its referral powers to avoid the perception that it is using referrals as a political tool in the midst of a conflict. That only politicizes the Court and can prolong both conflict and impunity.

When the Council decides to refer a situation to the Court, it should do so with a clear commitment to

follow up and ensure that the Court receives support, cooperation and resources to implement Council decisions. In that regard, we share the Court's concern about the lack of follow-up of Council referrals. Failure to take action calls into question the authority of the Council and its decisions. We reiterate that costs incurred by the ICC as a result of decisions by United Nations organs should be attributed to, and accounted from, the United Nations budget, which is provided for under the Rome Statute. We look forward to seeing progress on this issue.

The Assembly of States Parties faces an important milestone with respect to the crime of aggression. The significance of enabling the Court to hold political and military leaders accountable for initiating and engaging in an act of aggression cannot be understated. Accountability for the crime of aggression not only complements the prohibition on the illegal use of force under the Charter of the United Nations by providing for individual criminal responsibility, but is also one of the most significant developments in international criminal law since the establishment of the International Military Tribunal at Nuremberg. As the Assembly of States Parties prepares to bring the crime of aggression amendments into force, New Zealand emphasizes the importance of a consensus decision that supports the wider credibility of the Court.

For our part, New Zealand remains committed to the Court and to working with others to ensure that the Court continues to be, and is seen to be, an effective and sustainable judicial institution.

Mr. Loesin (Philippines): We thank President Silvia Fernández de Gurmendi for her comprehensive report (see A/72/349).

The Philippines — a real democracy and a multi-ethnic Christian majority and Muslim minority society that cherishes diversity in all aspects in a spirit of religious and political tolerance that has marked both religions at their best, and whose core values are American — once again reaffirms its commitment to justice and to fighting intolerance and impunity, ensuring that perpetrators are held accountable for their crimes. The Philippines remains strongly committed to upholding the rule of law and human rights.

The legacy of Nuremberg is that individuals can be made accountable even if their acts were not statutory crimes and even if Governments tolerated or even sanctioned those acts. Crimes against international law

are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced — a reaffirmation of man's free will for good and evil.

Without Nuremberg, we have little hope and commitment to saving ourselves and our children from the scourge of war, which twice in our founding fathers' and mothers' lifetimes brought untold sorrow to all humanity. Without Nuremberg, justice could not have coped with the limitless ingenuity of evil men in perpetrating acts that defied the imagination of lawmakers until they saw with horror those acts committed, from the Rape of Nanjing to Auschwitz, from the killing fields of Biafra and Cambodia to Bosnia and Rwanda, from the blood bath that created Bangladesh to the torture centres of the Caliphate.

It is people individually, then collectively, who make justice work. In the same way, they commit injustices on a vast scale. There have been many heroes from Nuremberg to the establishment of the International Criminal Court, the adoption of the Rome Statute in 1998 and the election of its first bench of judges in 2003. Those heroes — too many to name but not enough to have prevented the outrages that they prosecuted and judged — range from lawyers and civil society advocates to witnesses and the victims.

No one is above the law. The Philippines joins previous speakers in upholding and defending the Rome Statute. To be sure, despite the creation of the Court, one thing has not changed: the collective work of delivering international justice remains a vocation that is difficult, thankless and even dangerous.

Challenges remain. One of them is universality. The Philippines joins the call for many more countries to ratify or accede to the Rome Statute. Whether or not we are States parties, we should all protect human rights and build domestic capacities to enforce them and punish their violation. The Philippines once again calls on the five permanent members of the Security Council to refrain from using their veto in situations patently involving mass atrocity crimes, and to take the necessary follow-up measures in situations referred to the Court so as to uphold the credibility of both institutions.

In the same spirit of genuine understanding, in advance of the sixteenth Assembly of States Parties in December, the Philippines also supports full and candid dialogue and consultations to address allegations of

inequality and unfairness in the work of the Court. Judges are only human, as the High Commissioner for Human Rights so eloquently said. Nonetheless, the work that those judges do far, far outweighs the flaws of individuals that discredit the Court's noble mission: to provide justice where otherwise none would be possible, to protect the weak whom none of the strong will protect, and to vindicate their rights that have been trampled.

In that context, let me briefly mention the Philippine campaign against illegal drugs, which pose an existential threat to my country. We were advised to tolerate a worsening drug situation, urged to live with the threat it poses by avoiding strong measures to defeat it, and to legalize drugs so as to make addiction a benign condition. But legalizing such a crime does not make it less of one. We refuse to do that. We cannot live with what does not let our people live in peace, with well-being, freedom and national security. Ever in the mind of every country in Asia is the subjugation of a great empire by two others flooding it with opium.

We remain resolute in combating the proliferation of drugs and the prevalence of drug addiction in our country. A whole-of-nation approach is needed to solve that problem, and vigorous law enforcement is definitely part of it. As many in the Assembly now know, and the United Nations has alerted us, there is an intimate and indisputable relationship between terrorism and the illegal drug trade. The siege of Marawi and what was found there proves that conclusively.

Let me reiterate our basic principles. The Philippines is committed to upholding the rule of law and respecting human rights in the fight against illegal drugs. We do not condone killings. It is tragic that many deaths have taken place outside the framework of lawful police operations. They are being investigated and prosecuted in the Philippines' criminal justice system, as many of them were found to be rub-outs committed by unknown groups, perhaps taking advantage of the Government's campaign.

Accountability in the campaign is of overriding concern to the President. He has ordered the internal cleansing of the entire police organization, relieved a major command and reassigned the campaign from the national police to a specialized drug enforcement agency with a long record of cooperation with its counterparts in the United States and Europe. Government critics now object that the agency is too small to cope with

the drug problem. It is either too much or too little. One cannot please everybody. As a State party to the Rome Statute, the Philippines will cooperate in providing authentic information and has invited the United Nations to join it in that effort, with the exception of politicized individuals with a personal stake in proving themselves right no matter what.

The Court is one of last resort. The Philippines itself has a responsibility and a right to prosecute crimes under the Rome Statute. We have a functioning criminal justice system capable of prosecuting those crimes. In the spirit of the law, let us all show that complementarity works, and that biased intervention — even if merely vocal — is not necessary.

Mr. Escalante Hasbún (El Salvador) (*spoke in Spanish*): We would like to begin our statement by thanking the President of the International Criminal Court, Her Excellency Ms. Silvia Fernández de Gurmendi, for the presentation of her report (see A/72/349), in which she details the administrative and judicial activities carried out by the Court for the period from 1 August 2016 to 31 July, submitted to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court, and paragraph 28 of resolution 71/253. We also thank Mexico for the introduction of draft resolution A/72/L.3, which my country has the honour of co-sponsoring.

My delegation is pleased to note that last year the International Criminal Court continued to have a high volume of work and that the Office of the Prosecutor is pursuing investigations in 10 situations. Moreover, we are aware that the International Criminal Court has made significant achievements in recent years, but we also acknowledge that much remains to be done and that the path before us is long, filled with challenges and opportunities to move forward in a process that opens the door to judging serious violations of human rights, to the possibility of judging those who have committed crimes defined in the Rome Statute, and, even more importantly, to transforming the Court into an effective tool of deterrence for those crimes in the future.

Therefore, our country supports the adoption by consensus, at the upcoming Assembly of States Parties to the Rome Statute, to be held in this city in December, of a decision to activate jurisdiction over the crime of aggression, which would reinforce the jurisdiction and competence of the International Criminal Court. That

is part of a new commitment taken on last year when my country deposited with the Secretary-General our instrument of ratification of the Kampala amendment on the crime of aggression and of the principles and values of the Rome Statute of the International Criminal Court.

Likewise, as part of our commitment to the international community and the Criminal Court itself, in order to strengthen the regulatory and operational structure, last year we implemented internal processes, in accordance with our national legislation, to ratify as soon as possible the Agreement on the Privileges and Immunities of the International Criminal Court, as we firmly believe that that instrument will facilitate not only the carrying out of its functions but also of its purposes.

El Salvador is one of the most recent countries to adhere to the Rome Statute and the Kampala amendments, as the result of a long dialogue process involving various forces and actors of the country, thereby leading to a more concrete and realistic knowledge of the Court's powers and competencies. We believe that El Salvador represents a successful example of the universalization of the Rome Statute, and as a country we will offer our experience to any State Member of the United Nations that has yet to deposit its ratification instrument in order to help overcome any erroneous juridical preconception concerning the Court and the Statute.

Lastly, I would like to conclude my statement by reiterating our country's deep commitment to and support for the work of the International Criminal Court. We urge once again those who have not done so to ratify the Rome Statute and its two amendments and to continue with the analysis with a view to achieving full universality in the near future so as to promote justice and reduce impunity at the international level.

Mr. Lambertini (Italy): Italy welcomes the report on the activities of the International Criminal Court (ICC) (see A/72/349) and the opportunity to participate in today's debate. Let me warmly thank the President of the Court, Judge Silvia Fernández de Gurmendi, for her presentation today and the work that she has done over her years as President of the Court. The report and the President's address today show the continuing efforts of the Court, which is facing a heavy workload, to improve the effectiveness of its proceedings while continuing to meet the increasing demand for justice.

Italy aligns itself with the statement delivered earlier by the observer of the European Union. I would like to emphasize only a few points in my national capacity.

First of all, it is essential for States to respect the independence of the Court. At the same time, it is our role as State representatives to deal with all potential concerns and tackle through dialogue at the political level all relevant issues.

During the past three years in our role as Vice-President of the Assembly of States Parties in New York, we have been proud to work side by side with the President of that Assembly, the Minister for Foreign Affairs of Senegal, Mr. Sidiki Kaba, in his efforts to improve dialogue among States parties on important issues of common concern. The Assembly of States Parties continues to be the proper forum to discuss a number of issues of common interest for States parties, and we have an important session in December.

At the same time, however, the fight against impunity remains a common concern of the international community as a whole, not just of the 123 States parties. Therefore, it is equally important to discuss accountability for war crimes and crimes against humanity here at the United Nations, together with all other Member States. Today's debate provides us with a good opportunity to do so.

The Rome Statute is a cornerstone of the fight against impunity and the establishment of the age of accountability. On 17 July 2018, the twentieth anniversary of the adoption of the Statute will be celebrated, and several events are in preparation to mark the anniversary. The importance of the treaty, which created the first and only permanent international criminal tribunal, is evident. The ICC is a unique institution, and it is important to work together to further strengthen it.

Following the Nuremberg and Tokyo trials after the Second World War and the establishment of the United Nations, it took more than 50 years for the international community to come together in Rome in 1998 and finalize this ambitious treaty, which was inspired by the fundamental principles of international justice. This treaty shares many of the essential goals of the United Nations and its Charter. Universal participation in the Rome Statute continues to be an objective that we must pursue with an encouragement to all Member States to consider ratifying the Statute. However, we must not forget that the values enshrined

in the Statute are already universal in character, and we — all Member States — can and should engage in furthering those values and promoting the goals of the fight against impunity.

At the same time, it is particularly important that the international community increase its efforts in upholding the concept of complementarity and work together to strengthen domestic systems, as the ICC is and should remain a court of last resort. Our objective is to see stronger capacities at the national level to prosecute crimes and defend the interest of victims.

Our focus must remain on the victims of international crimes. Also for that reason, on 17 July — the date that was proclaimed by the Kampala Review Conference in 2010 as the Day of International Criminal Justice worldwide — Italy, together with Denmark, The Gambia and Liechtenstein, organized an event during which the Trust Fund for Victims highlighted the crucial role it plays in providing redress and reparations, both for individual victims and for the communities most directly affected by such crimes. And the order of the Court of 17 August on reparations concerning the destruction of cultural heritage in Timbuktu is an important confirmation of the continuing efforts in that direction, which we welcome.

Ms. Sapag Muñoz de la Peña (Chile) (*spoke in Spanish*): First of all, we express our appreciation to the President of the International Criminal Court, the Honourable Judge Silvia Alejandra Fernández de Gurmendi, for the complete report that she has presented on the period from 1 August 2016 to 31 July 2017 (see A/72/349). The report shows, *inter alia*, the significant increase in the volume of work that the Court has experienced.

We would also like to congratulate Judge Fernández de Gurmendi for her outstanding work as President of the Court since March 2015. We greatly appreciate her efforts to increase the efficiency of the criminal process and actively promote the universality of the Rome Statute, especially under complex circumstances. We see that the judicial and prosecutorial activities during the reporting period, both in preliminary examinations and in investigations and procedures, have been widely developed, thereby contributing to the fulfilment of the Court's mandate.

The International Criminal Court has become a unique expression of our time. It marks a unique stage in the history of institutions dedicated to international

criminal justice. From the point of view of the protection of human rights, the creation of the Criminal Court continues to be a decisive pillar in the fight against impunity, and through it the States parties demonstrate their commitment to the international community with regard to compliance with its objectives.

Chile has actively and decisively supported the Court since the beginning of the process that led to the adoption of the Rome Statute. Looking back at the progress made over the years, we are also aware that there are various challenges facing the Court that require States to continue working with unwavering energy.

The International Criminal Court could not carry out its decisive work in the fight against impunity without the due cooperation of States, so that those responsible for crimes under the jurisdiction of the Court are held accountable for their actions. We call on all States to cooperate fully with it.

The cooperation of States is the main tool available to the Court for the execution of arrest warrants, delivery of evidence and support for its investigations and procedures in general. The lack of cooperation by some States can seriously affect its judicial functions and its ability to provide justice to victims. The Court must have the means and the human and material resources necessary for the fulfilment of its mandate, and the States parties must responsibly study the budgetary requirements, supporting the work of the relevant bodies of the Assembly of States Parties. In that connection, Chile reiterates that when the Security Council refers a case to the International Criminal Court, it must also take the steps necessary to ensure that it has the financial means to deal with that referral.

We are also convinced of the need for the Security Council to follow up on the cases that it refers and, in relation to those cases, to pay special attention to situations that arise due to a lack of cooperation from States or to the difficulties that could arise.

Regarding the work of the Trust Fund for Victims, we recognize its important work, which has allowed for assistance to more than 455,000 victims to date. We should not forget that support for victims is one of the fundamental reasons for acceding to the Rome Statute. We will not rest until we meet our goal of achieving universality and the full application of the Rome Statute, and we call on States that are not yet parties to the Statute to ratify or accede to it.

Last year, we learned of the withdrawal of three States from the Rome Statute, which we deplore. We are therefore pleased to hear that two of them have revoked those decisions. We urge all States that face difficulties with respect to the application of certain aspects of the Rome Statute to consider increasing the effectiveness of their provisions and to seek answers to their questions within the framework of its norms and principles.

We reiterate our faithful and determined support for the International Criminal Court as an essential instrument to fight impunity and prosecute the perpetrators of the most serious international crimes when the State does not or cannot act in favour of justice and support for victims.

Mr. Arriola Ramírez (Paraguay) (*spoke in Spanish*): The Republic of Paraguay wishes to pay tribute to Judge Silvia Fernández de Gurmendi in her capacity as President of the International Criminal Court, as well as Mrs. Fatou Bensouda, Prosecutor of the International Criminal Court and all other magistrates of this international tribunal. We welcome the annual report of the Court on its activities between 2016 and 2017 (see A/72/349).

The Republic of Paraguay, as a State based on the rule of law, recognizes and accepts international law, enshrining general principles such as international solidarity and cooperation and the international protection of human rights. Likewise, we condemn wars of aggression, torture and cruel, inhuman or degrading treatment or punishment. It should be noted that the Republic of Paraguay declares genocide, the forced disappearance of persons, abduction and homicide for political reasons as imprescriptible.

I have the honour to share with the Assembly that the Republic of Paraguay, true to its commitment to international law, is celebrating the fact that the just-promulgated law on national implementation of the Rome Statute is fully in force. It includes, among other elements inherent in the provisions of that instrument, genocide, crimes against humanity and war crimes, in accordance with the Statute, as well as commensurate punishment.

In addition to the jurisdiction exercised by the Court over the aforementioned crimes, it will also be exercised by national jurisdictional bodies in accordance with domestic criminal legislation. In that way, the relationship between universal jurisdiction and

national jurisdiction is established, with the limitations of the latter. Similarly, the Kampala amendments, which include the crime of aggression and broaden war crimes, are under legislative treatment in the National Congress. Those important advances reaffirm and consolidate the commitment of the Republic of Paraguay to promote the universality and full application of the Rome Statute and further strengthen our ties and cooperation with the International Criminal Court.

On the other hand, the Republic of Paraguay urges the United Nations to continue strengthening its relations with the Court, particularly with regard to the exchange of information, the provision of services and facilities, judicial assistance and the appearance of United Nations personnel before the Court to provide testimony and support for activities on the ground, as well as strengthening cooperation with peacekeeping missions, the Security Council and other bodies of the Organization.

Likewise, the Republic of Paraguay welcomes the work, both in reparation and assistance, of the Trust Fund for Victims, particularly in the provision of physical and psychological rehabilitation services and material support to survivors of crimes defined in the Rome Statute. The Republic of Paraguay encourages the Fund to continue those tireless activities for the victims and invites other States and interested entities to make new contributions to extend and maintain the assistance programmes and to maintain and increase its financial reserves. That will complement the reparations granted by decision of the Court.

The Republic of Paraguay expresses its full support to the Court with regard to all forms of assistance it has recently provided, especially in relation to the promotion of the universality of the Rome Statute system and the adoption of national legislation. As evidence of that support, my country's delegation is co-sponsoring resolution A/72/L.3, which will be adopted today. We also urge those States that have not yet done so to accede to the Rome Statute in its entirety, as we believe that the only way to ensure the functioning of the Court is through the joint efforts of its States parties in the collective fight against impunity for the perpetration of the most serious international crimes.

Finally, the Republic of Paraguay urges the Court to continue its hard work of exercising its jurisdiction over persons, as a permanent international judicial organ, for the commission of the most serious crimes of

concern to the international community, as established in its Statute. We also encourage the magistrates of the Court to continue their work in the most objective and impartial way possible.

Ms. Boucher (Canada) (*spoke in French*): At the outset, I would like to reiterate Canada's continuing support for the International Criminal Court (ICC) and the essential role it is playing in ensuring accountability for those responsible for the commission of the most serious international crimes. A majority of Member States are already parties to the Rome Statute of the ICC. However, we remain some distance from achieving universality of the Statute. Canada calls upon those States that have not yet done so to consider acceding to the Rome Statute.

It is well known that the Court cannot effectively accomplish its mandate without the necessary cooperation from States parties and other actors. Over the past few years, we have witnessed both accomplishments and challenges in the sphere of international cooperation. The historic guilty plea and conviction of Mr. Al-Mahdi for war crimes related to the destruction of UNESCO-protected shrines in Timbuktu would not have been possible without the assistance of the Niger and Mali. We commend their cooperation as a concrete example of their commitment to justice.

With the support of States parties, the International Criminal Court has also made landmark judgments condemning the recruitment of child soldiers and sexual and gender-based crimes. Despite such accomplishments, Canada remains troubled by instances of non-cooperation, particularly by State parties to the Rome Statute. The fact that arrest warrants issued years ago — including those issued pursuant to referral to the Court by the Security Council — remain unexecuted should be concerning to all of us as members of the international community. Canada encourages all States to abide by their international commitments.

(*spoke in English*)

Canada welcomes The Gambia's decision to remain a party to the Rome Statute. We also welcome South Africa's reversal of its withdrawal and hope to see it

remain a party to the Rome Statute. However, we continue to be concerned by the withdrawal of Burundi from the Court, and we urge Burundi to reconsider.

At the same time, Canada is encouraged by African voices that have spoken out in support of the Court over the past year, including Botswana, Sierra Leone, Nigeria, Tanzania, Ghana, Malawi and Senegal. All victims, including African victims, have a right to justice. The ongoing contributions of African States in support of the Court are invaluable to making that justice a reality. African States played an important role in both the establishment and development of the Court. Today, their steadfast support is more important than ever in the fight against impunity.

As Secretary-General Kofi Annan said in Rome in 1998, the establishment of the Court was a gift of hope to future generations and that it was a giant step forward in the march towards universal human rights and the rule of law. Building on the legacy of Nuremberg, and following the lead of the ad hoc tribunals for Rwanda and the former Yugoslavia, the ICC is the culmination of the international community's dedication to fighting impunity and giving voice to the victims of atrocity crimes.

As a recent example of Canada's ongoing support for the ICC, I am proud to note that we have nominated an exceptionally qualified candidate, Ms. Kimberly Prost, for election as a Judge of the Court. That nomination resonates with the priority that Canada places on gender equality and women leadership.

Looking forward, Canada anticipates that the upcoming sixteenth Assembly of States Parties will be a fruitful meeting that allows us to move forward with strengthening the Court's role. We hope for productive discussions on activating the Court's jurisdiction over the crime of aggression, and on budgetary and governance issues, while avoiding politicization and micromanagement. We must continue to constructively work together to achieve our common goal of maintaining and strengthening the framework of a permanent, independent judicial institution that has the respect and confidence of the international community.

The meeting rose at 1.15 p.m.



General Assembly

Seventy-second session

37th plenary meeting
Monday, 30 October 2017, 3 p.m.
New York

Official Records

President: Mr. Lajčák (Slovakia)

In the absence of the President, Mr. Perera (Sri Lanka), Vice-President, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 76 (continued)

Report of the International Criminal Court

Note by the Secretary-General (A/72/349)

Reports of the Secretary-General (A/72/342, A/72/372 and A/71/372/Corr.1)

Draft resolution (A/72/L.3)

Mr. Mohamed (Sudan) (*spoke in Arabic*): With regard to the matter under discussion, I would like to state that combating impunity is inarguably a noble objective as we strive to attain justice. We support this intention and are working to achieve it within the framework of the United Nations. Achieving justice is the primary responsibility of relevant national judicial bodies, in accordance with their domestic mandates and jurisdictions.

While we are deliberating on the report (see A/72/349) of the International Criminal Court (ICC), we should like to recall that the relationship between the United Nations and the ICC should take into account the separate and independent nature of the two bodies and the absence of an organic or structural link between them. It is a source of great concern that some States parties to the Rome Statute are attempting to make the General Assembly into a General Assembly for the States Parties to the Rome Statute.

In rejecting this trend, which is made crystal-clear in the annual periodic draft resolution on the ICC report (A/72/L.3), my delegation is expressing its decisive and clear-cut opposition to it. Time and again, the draft resolution's sponsors propose numerous new paragraphs to advance loose interpretations that do not reflect the letter and spirit of the Relationship Agreement, but rather improperly advance the distinct and transparent objective of empowering a Court that claims to be independent and characterized by the specificity of its jurisdiction.

In the light of a Statute that proposes a legal framework for the Court, we in the Sudan have constantly expressed our position in the informal meetings on the draft resolution on the report of the Court and will continue to do so. Furthermore, we call for abiding by the scope and framework of the relations between the United Nations and the Court, with no expansion or excessively broad interpretation of the relationship.

The relationship should therefore continue without any attempt by the Court to lay claim to universality. The mandate of the United Nations, its agencies and organs is clear, and any attempt to deviate from it will sidetrack the Organization from its goals and modus operandi, while also seriously endangering it and its activities, given the lack of consensus about the Court and the Rome Statute.

The relationship between the ICC and the Security Council is a flagrant form of politicization of the Court's work. There should be no link between a judicial organ supposedly meant to administer international justice

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and a political organ that is influenced by political interests, when it is that organ that refers certain countries' situations to the Court and spares other countries from having to appear before the Court. This reflects the conflict between justice and the rule of law.

The report of the Secretary-General on the relationship between the United Nations and the International Criminal Court (A/72/342) should respect the letter and the spirit of the Relationship Agreement without trying to integrate the International Criminal Court into the United Nations system. This runs counter to the nature and the scope of the Relationship Agreement. We are concerned about the ICC's interference in the work of the Secretariat and the Court's attempts to direct Secretariat staff in their dealings with Member States, which merely expect reports from the Secretariat on respect for their rights.

The work of the Court and of the administrative system is not within the bounds of the law, which reflects the Court's willingness to gain legitimacy by any possible means, which is a flawed and weak approach, not only because of its contradictory Statute but also owing to the corrupt and nepotistic practices at work within the Court. The Court is undermining international law as it is in breach of numerous international treaties, in particular the Vienna Convention on the Law of Treaties of 1969 and the Vienna Convention on Diplomatic Relations of 1961. Further, in terms of immunity, the Rome Statute runs counter to international law. The fact that the Court does not have recourse to transitional justice, which violates the principles of peace and reconciliation, is a contradiction that in the end fuels wars and disputes in Africa. The Statute's articles give full authority to the Prosecutor to preside over national prosecutions, and the Prosecutor can withdraw the right to investigate. We therefore have nothing to do with the Court and call on all States to reconsider the Statute and the contradictory practices to which it gives rise.

The report of the International Criminal Court before the Assembly today states that, since the Statute came into force 15 years ago, the Court has considered only 25 cases, of which only five have been completed. We all wish to prevent heinous crimes and to combat impunity, but at this rate, how can that be achieved? It certainly cannot be done through the politicization of justice and the use of double standards.

I would like to add that the Court's foremost flaw is how it has paved the way for voluntary contributions to its budget. Donations, including from civil-society organizations and individuals, fund the majority of the Court's budget today, and it is well known that the European Union (EU) underwrites the lion's share thereof. Now, when the observer of the European Union refers only to African States in the examples from the Court he cites (see A/72/PV.36), is that a coincidence? That is the question. For us, it is clearly not a coincidence. Otherwise, the EU observer would have also mentioned cases of States before the Court pursuant to sub-articles (a) and (c) of article 13 of the Rome Statute, and not just those referred to the Court by the Security Council under Chapter VII of the Charter, as he did. In addition, the States whose situations have been referred to the ICC are both African States. I need not say more.

We know that the Court was founded mainly to respond to humankind's suffering resulting from the crime of aggression — the worst international crime. The suffering that led directly to the establishment of the Court, as some speakers before me have mentioned, was first addressed in 1947, two years after the end of the Second World War and its tragedies, which were unprecedented in human history, at which time the General Assembly agreed in principle to develop a system of international justice. Our issue is not to respond to it politically or diplomatically but as a matter of conscience. The question is whether we will one day see the Prosecutor of the ICC agree to investigate one of the States mentioned by the EU this morning. Will the Security Council one day refer a case to the ICC without recourse to article 13 (b) of the Rome Statute? This is the ethical and legal question to which we need a response.

Mr. Giacomelli Da Silva (Brazil) (*spoke in Spanish*): At the outset, I would like to thank the International Criminal Court (ICC) for its report to the General Assembly (see A/72/349) and congratulate it on its contribution to the fight against impunity and for promoting respect for the rule of law. I also join speakers before me in expressing my thanks to the President of the ICC, Judge Silvia Fernández de Gurmendi, for presenting the report and for her efforts aimed at making the Court a more effective institution. As this is her last time participating in the work of the General Assembly in that capacity, Brazil takes this opportunity to thank her for her long-standing commitment to the causes of human rights and international criminal justice.

(spoke in English)

As a proud founder of the ICC, Brazil is pleased to see that the Court continues to gain strength as the first permanent tribunal established to help to end impunity for the most serious international crimes. As an instrument for ensuring that those accused before it are judged with fairness and full respect for their rights, the ICC is a vehicle for justice and peace.

I am pleased to recall not only that all South American countries are parties to the Rome Statute but also that Latin American and Caribbean States represent the second-largest regional group among States parties, the first being the Group of African States. It is important to stress that any misperception of bias or selectivity in the Court's activity will be definitively dispelled only by advancing the universality of the Rome Statute, thereby expanding the Court's room to operate. This is particularly relevant when one considers that, so far, a number of important international actors are not yet parties to the Statute.

As for the outcomes of the 2010 Kampala Review Conference, the activation of the amendments regarding the crime of aggression in 2017 will represent a major contribution to completing the international criminal justice system. It will give additional meaning to the prohibition of the use of force, thereby fostering a more stable, just and democratic world order.

The workload of the Court continues to increase significantly. In this context, I recall my delegation's concern regarding the financing of Security Council referrals. This issue is structural in nature and lies at the very core of the relationship between the Court and the United Nations, particularly the General Assembly.

Once again, we reiterate our call for implementation of article 13 of the Relationship Agreement and of article 115 (b) of the Rome Statute, which provide guidance in the sense that such costs should be met — at least partially — by funds provided by the United Nations and not fall solely upon the parties to the Rome Statute. It is equally important to highlight that, as laid out in Article 17 of the Charter of the United Nations, the General Assembly has the exclusive responsibility to consider and approve the budget of the Organization. The proper funding of Security Council referrals would enhance the credibility of both the Court and the United Nations. To date, the budget allocated for the Court in relation to these referrals amount to approximately

€58 million, but the current situation is neither fair nor sustainable.

The report of the International Criminal Court contains a number of recommendations aimed at improving the relationship between the Security Council and the Court. Brazil concurs with the assessment that a more structured dialogue between them on issues of mutual interest — both thematic and situation-specific — would be beneficial. Through its jurisprudence, the Court has accumulated significant knowledge on issues such as children and armed conflict, women and peace and security, and the protection of cultural property.

Cooperation between the Security Council sanctions committees could also be improved, especially with regard to travel bans and the freezing of assets. Brazil also notes that certain United Nations peacekeeping operations have been providing the Court with much-needed support in the field, always in accordance with their mandate and basic principles.

Brazil notes with appreciation that providing justice for victims remains an essential component of the daily work of the Court. We welcome the reparations procedures that are ongoing in different cases and the fact that the Trust Fund for Victims has assisted more than 450,000 persons with physical and psychological rehabilitation as well as with material support. We commend efforts to enhance the protection of witnesses, including through relocation agreements, and we stress the positive role of cooperation through strengthening national capacities.

The quest for peace and justice is always challenging, and this challenge is inherent to the search for a more just and cooperative world order. Let us not fall into the trap of operating with false dichotomies that seem to oppose peace to justice and sovereignty to accountability. We should instead focus on the shared values that bring the General Assembly together and which have made the first permanent, treaty-based International Criminal Court a reality. Brazil remains firm in its commitment to the Rome Statute and the cause of justice that motivated its creation.

Ms. Krasa (Cyprus): It is a privilege to address the General Assembly. My delegation aligns itself with the statement delivered by the observer of the European Union (see A/72/PV.36) and would like to deliver some additional remarks.

It is our strong conviction that the International Criminal Court (ICC) contributes greatly to the overall goal of the United Nations of working towards a more peaceful and just world, thereby serving the purposes and principles of the Charter of the United Nations. The Court continues to rely on the indispensable support of the United Nations and of individual Member States. As foreseen by the architects of the Rome Statute system, such support is crucial to its ability to fulfil its mandate. In this respect, we support the further strengthening of the relationship between the United Nations and the Court in order to adjust to new and emerging common challenges.

We warmly thank President Fernández de Gurmendi for presenting the report of the Court (see A/72/349). As the report reflects, the Court had yet another full year in terms of judicial proceedings, investigations, preliminary examinations and institutional developments. We welcome the significant progress made with regard to reparations for victims.

We are especially pleased to note that the Governments of the Gambia and South Africa have rescinded their notifications of withdrawal, and we regret that the withdrawal of Burundi has come into effect. We are further pleased to note that Argentina, Chile, the Netherlands and Portugal notified their consent to be bound by the amendments on the crime of aggression. We look forward to the next Assembly of States Parties for the Court's jurisdiction over the crime of aggression to be activated, in accordance with the consensus decision reached at the Kampala Review Conference, thereby fully realizing the Rome Statute as originally drafted.

Cyprus is pleased to have served from October 2013 until the end of 2016 as a focal point for the promotion of universality of the Rome Statute. It remains committed to the collective responsibility of all State parties towards this end. We firmly believe that universal ratification is the only way to effectively address jurisdictional gaps and other current challenges and shortcomings. We would take this opportunity to call upon all States not yet parties to the Rome Statute to ratify it. Within this framework, in July, our Foreign Minister joined the President of the Assembly of States Parties and other Foreign Ministers in a video campaign promoting ratification.

Cyprus appreciates the Court's important mandate in ensuring accountability for the war crime of the

destruction of cultural property. The protection of cultural heritage was one of the priorities of our recent chairmanship of the Committee of Ministers of the Council of Europe, which culminated in the conclusion of the Nicosia Convention on Offences related to Cultural Property, which was opened for signature in May. The Office of the Prosecutor of the ICC participated in two events that took place under the auspices of the Cyprus chairmanship, in Strasbourg and New York in January and February, respectively, and which focused on strengthening the international legal framework for the protection of cultural heritage. Moreover, our Permanent Mission in New York is currently preparing the launch of an informal group of friends for cultural-heritage protection, which will take a multifaceted approach thereto, including using the international criminal justice angle, by supporting existing initiatives, resolutions and relevant organizations.

In closing, my delegation would like to reiterate its commitment to and unequivocal support for the Court. At the same time, we express our readiness to engage in a constructive dialogue with States parties and States non-parties alike. We remain committed to the consolidation and reinforcement of international criminal justice and are pleased that the Court fully recognizes its own responsibility in terms of continuously improving its operations and increasing its efficiency and effectiveness.

Mr. García Reyes (Guatemala) (*spoke in Spanish*): Guatemala thanks the President of the International Criminal Court for the annual report of the Court on its activities in 2016 and 2017 (see A/72/349). We also welcome the publication by the United Nations of the manual of best practices for cooperation between the United Nations and the International Criminal Court, which has contributed to further strengthening cooperation between the two institutions. We cannot miss this opportunity to thank and congratulate Judge Fernández de Gurmendi for her years of dedication to the Criminal Court.

We know that the support and cooperation of the senior management of the United Nations regarding the Court are of the utmost importance, as is the active participation of the current Secretary-General and his team. We hope that such cooperation is maintained, since it is through that type of actions that the work of the Court can be strengthened and demonstrate its crucial performance at the international level.

We have noted and welcomed the information according to which the Court continues to explore opportunities to increase its working collaboration with its main United Nations partners, through, inter alia, regular round-table meetings between the United Nations and the Court to discuss practical cooperation arrangements, best practices, lessons learned and new challenges. For that reason, my delegation awaits with interest the next meeting, expected to take place this December.

Let me recall that in October 2012, when Guatemala assumed the presidency of the Security Council, it convened an open debate (see S/PV.6849), considering that structured dialogue between the Court and the Council on issues of common interest, as well as on issues regarding specific situations, could and can improve compliance with the obligations created through the referrals by the Council and contribute to the fight against impunity.

We know that the Court and the Security Council have different functions, but we consider them complementary with regard to addressing the most serious crimes of concern to the entire international community, as outlined in the Rome Statute. Therefore, we believe that it is necessary to increase cooperation between the Court and the Security Council in order to unite efforts and contribute to the prevention of such crimes, which undermine peace and security. Additionally, it is necessary to encourage efforts to combat impunity for such crimes. We believe that it is opportune to maintain periodic exchanges between the Council and the Court, independently of the informative meetings on the referred situations.

Cooperation is one of the fundamental pillars on which the proper functioning of the Court rests. Therefore, the firm commitment of States parties is crucial for increasing the capacity of the Court so as to ensure accountability for crimes committed, bring about justice and provide reparations to victims, as well as to help prevent future crimes of this sort, in accordance with the spirit of the Rome Statute.

In order to better adapt to the new challenges facing the United Nations and the Court, the States parties to the Rome Statute and the membership of the United Nations should strive to strengthen their cooperation and continually reaffirm the relevance and importance of international criminal justice in order to

ensure the rule of law and maintain international peace and security.

In that vein, we cannot forget to mention the important draft resolution contained in document A/72/L.3, which the General Assembly will vote on today, and which my delegation co-sponsored. It highlights that the International Criminal Court is an independent permanent judicial institution, which, by the adoption of its Statute, has a unique historical significance. Having said that, we call upon the United Nations membership to approve the draft resolution, since it promotes the vital role that the Organization plays in international peace and justice, and thus to again cooperate with the International Criminal Court.

Mr. Jürgenson (Estonia): Estonia aligns itself with the statement delivered by the observer of the European Union (see A/72/PV.36)

We thank President Fernández de Gurmendi for her report (see A/72/349) and her ongoing service to the International Criminal Court (ICC). We welcome the opportunity for continued dialogue to discuss the contributions of the Court and the international community to international criminal justice. It is in our common interests to identify challenges, reflect on possible solutions and find practical ways to advance accountability for the most serious crimes committed.

We note the steady increase in the Court's workload. The Court is currently dealing with more cases and situations than ever, covering now most of the regions of the world. We acknowledge the Court's first decision to authorize an investigation of crimes in Europe, specifically in Georgia, demonstrating that no perpetrator can expect impunity for the most serious international crimes, regardless of where they occur. The increasing number of cases and situations also demonstrates that many States entrust their hopes for justice and accountability to the Court. That is testimony to the good work that the Court has done.

We note the important judicial developments that we have seen in the past year. We acknowledge specifically the judgment in the case of *Bemba et al.*, concerning the situation in the Central African Republic, and the start of the trial in the case of Dominic Ongwen. Those cases importantly express the Court's intolerance towards sexual violence as a tactic of war and its commitment to hold accountable those committing those acts. We also acknowledge the Court's first conviction for crimes related to the destruction of cultural heritage and the

first conviction for offences against the administration of justice relating to witness tampering.

However, the increasing workload also creates challenges for the Court to remain efficient and effective. Therefore, we encourage the Court to further streamline its administrative and judicial processes and make more efficient use of its resources. We also encourage the Court to continue exploring the possibilities of using new technologies and developing and implementing meaningful performance indicators in order to improve efficiency.

In order for the Court to perform its mandate efficiently, effective national and Security Council cooperation is crucial. We note with concern that arrest warrants are outstanding for 15 individuals and that last year the Court again had to deliver decisions finding failure by a State to comply with its obligations to cooperate with the Court. It is regrettable that since 2009, Omar Al-Bashir has still not been arrested and surrendered to the Court. We call upon all States and the Security Council to take appropriate action to fully cooperate with the Court and bring those perpetrators to justice in order to end impunity.

The ICC is the only permanent international court established in order to put an end to impunity for the perpetrators of the most serious crimes of international concern, and thus to contribute to the prevention of such crimes as well as to the progressive development of international criminal law. Now, as we reach the twentieth anniversary of the Court, it is high time to make full use of the international justice that the Rome Statute offers.

The international community already agreed, in 1998, that the Court should also have jurisdiction over the crime of aggression. With 34 States parties already having ratified the Kampala amendments on the crime of aggression, we look forward to a decision to activate the relevant Court jurisdiction during the sixteenth session of the Assembly of States Parties to the Rome Statute, to be held here in New York in December. While acknowledging the different interpretations of some legal provisions, we should not forget the main message that civilized countries have agreed upon, namely, that aggression is never acceptable. We should have confidence in international law and its fair and impartial application by the ICC.

Estonia is a long-standing supporter of the ICC. We consider that the fight against impunity for the

most serious crimes is critical to ensure a fair and just society, by holding perpetrators accountable and ensuring justice for victims. The existence of the ICC is a clear message that the crimes specified in the Rome Statute will not be tolerated and will not go unpunished.

Mrs. Carnal (Switzerland) (*spoke in French*): Preventing wars and safeguarding peace are the foremost objectives of the United Nations. The Charter stipulates that Members shall refrain in their international relations from the threat or use of force. That provision is one of the most fundamental rules of the international legal order, yet it has proved difficult to translate those words into action. Armed conflicts between States remain a sad reality.

This year States parties to the Rome Statute of the International Criminal Court (ICC) have an opportunity to strengthen the application of the prohibition of the use of force. At the upcoming session of the Assembly of States Parties they will decide on the activation of the Court's jurisdiction on the crime of aggression. That crime covers acts of aggression that amount to a manifest violation of the Charter of the United Nations. Punishing that crime could contribute to avoiding and sanctioning extreme forms of wars of aggression.

The activation of the jurisdiction of the Court is in the core interest of the United Nations and its Member States. The Security Council will have an additional instrument in its toolbox. It will be able to demand that an aggressor back down, or else refer the situation to the ICC. States would benefit from enhanced protection, as aggressive leaders would fear prosecution and punishment for acts of aggression.

The definition of the crime of aggression has been discussed for decades. In 2010 in Kampala, States parties to the Rome Statute reached a clear compromise and adopted it by consensus. It would be a mistake to bring that compromise into question now. Rather, more than 70 years after the judgments delivered at Nuremberg and Tokyo, it is high time to make acts of aggression a punishable crime. Switzerland therefore calls upon all States parties to the Rome Statute to support the simple activation of the jurisdiction, in accordance with the consensual outcome reached in Kampala.

Earlier this year, the Secretary-General highlighted that the ICC and the United Nations both strive to maintain international peace and security and to ensure that the rule of law prevails. Indeed, the Court makes it possible to pursue a broad set of objectives of the United

Nations and its Member States. That holds particularly true for Sustainable Development Goal 16. Given its deterrent effect and ability to deal with the past, the ICC complements the work of national judicial systems and actors in the rule of law at the international level. Switzerland therefore welcomes the fact that the Court works closely with States and the United Nations, as shown in this year's report of the Court (see A/72/349).

Regrettably, atrocity crimes are often committed outside the jurisdiction of the ICC. The inability of the Court to act in such situations is a stark reminder of the need to continue promoting the universality of the Rome Statute. Switzerland strongly regrets Burundi's withdrawal from the Statute and encourages the Government to reconsider that decision. In contrast, we welcome the decisions of South Africa and the Gambia to remain States parties. Switzerland calls on all States that have not yet done so to join the Rome Statute. Only a universal International Criminal Court can act as a safety net to ensure justice for victims all over the world.

Ms. Carrión (Uruguay) (*spoke in Spanish*): Uruguay expresses its gratitude for the excellent report of the International Criminal Court (see A/72/349), as well as to its President, Ms. Silvia Fernández de Gurmendi, for the clarity with which she presented it (see A/72/PV.36). It is important to note that the Court received 4,725 applications during the reporting period.

The Court represents a milestone in the international community's fight against impunity and the commission of the most serious crimes against humankind and the integrity and rights of persons. The development of international awareness of the need to end atrocities against human beings, both individuals and groups, and to maintain international peace and security were the reason for the establishment of the International Criminal Court. Abuses and acts of violence, failure to respect international humanitarian law, slavery and many other atrocity crimes must cease, and the International Criminal Court, through its latent judgment, exercises a certain degree of control over those crimes.

The importance of the Court's establishment and the mission for which it is responsible leads us to support all actions that would improve its management. In that regard, we remind States parties to the Rome Statute of the need to cooperate with the Court so as to enable it to perform its duties. Furthermore, we urge

States to become parties to the Statute by ratifying it and its amendments.

Uruguay is convinced that cooperation among States and with the Court is fundamental for the fulfilment of the Court's objectives and for it to be able to put an end to impunity for those who commit the heinous acts classified in the Statute of the Court.

Uruguay recognizes the efforts the Court is undertaking, as set out by its President, to improve its procedures and performance. The Court, having been established only a short time ago, requires the full cooperation of States in its proceedings going forward, including through cooperation, the provision of information, compliance with the measures requested, insight and support for the conduct and completion of proceedings.

We need to bear in mind the work, independence and impartiality of the judges and of the Court as a whole. We must also remember that the Court plays a role subsidiary and complementary to that of national jurisdictions. In that regard, States are responsible for implementing the law and assuming the primary jurisdiction that is theirs. The Statute clearly sets out that the Court may not act while proceedings are under way in the territory of a State party, suspending its activity in such cases. The Rome Conference, in adopting the Statute and in establishing and defining the crimes to which it would apply, helped codify the development of international law, which has led, and should continue to lead, States to incorporate those norms in their respective legislations.

For Uruguay, the fight against crimes against humankind, war crimes, genocide and aggression is of the utmost importance. We therefore also consider important the activation of the Court's jurisdiction over the crime of aggression. We would like to reiterate that accountability for the commission of such grave crimes, no matter who committed them, must continue to be a priority objective for the international community. Strengthening the work of the Court is therefore essential. In that connection, I would like to remind the Assembly that Uruguay, in its support for the work of the Court, has put forward an excellent candidate for judge in Ms. Ariela Peralta.

Mr. Kyslytsya (Ukraine): Ukraine aligns itself with the statement delivered by the observer of the European Union (see A/72/PV.36). We would like to add a few remarks in our national capacity.

We welcome the presentation by President Fernández de Gurmendi (see A/72/PV.36), and we support the activities of the International Criminal Court (ICC), which has proved its efficiency by promoting the rule of law and putting an end to impunity for perpetrators of the most serious crimes.

Following our decision to accept the jurisdiction of the Court, we cooperate closely with the Office of the Prosecutor, whose representatives visited Ukraine twice during the reporting period. We commend the continuation of the examination of the situation in Ukraine by the ICC. We particularly appreciate the preliminary conclusions by the Office of the Prosecutor stating that the international armed conflict between Ukraine and the Russian Federation began when Russia deployed its armed forces in parts of the Ukrainian territory and that the law of international armed conflict continues to apply to the ongoing state of occupation.

With regard to eastern Ukraine, the Office is undertaking a detailed factual and legal analysis of the Russian authorities' ongoing support for the illegal armed groups. Such support includes equipment, financing and personnel, as well as general direction in planning the actions of the illegal armed groups in a manner that indicates exercise of genuine control over them. Apparently it is due to this that the Russian Federation decided not to become a party to the Rome Statute, which it had previously signed.

In that connection, we would like to recall that the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, recognized by resolution 71/205, and Russia's illegal actions in Donbas represent acts of aggression. We welcome the ratification of the Kampala amendments on the crime of aggression by 34 States parties. We look forward to a decision of the Assembly of States Parties to activate the Court's jurisdiction in this matter in the coming months.

While recognizing the importance of the promotion of universal participation in the Rome Statute, we support all efforts aimed at raising awareness and understanding of the functioning of the Court. Moreover, in order to ensure the universality of the Court's jurisdiction, we need to promote close cooperation by States as a direct response to crimes under the Rome Statute.

We know how difficult it is to bring those responsible for the most serious crimes to justice, owing to a lack of cooperation with the ICC. In that regard,

we are convinced that the international community must enhance its support to ICC efforts to combat impunity and ensure the right to justice for all victims of such crimes.

Ukraine actively participated in the Preparatory Committee on the Establishment of an International Criminal Court. In 2000, Ukraine signed the Rome Statute, and my country was the first State not party to ratify the Agreement on Privileges and Immunities of the International Criminal Court. The Ukrainian Parliament's adoption of a constitutional amendment last year paved the way for the ratification of the Rome Statute. All of the relevant State authorities are actively involved in developing implementing legislation to that end.

In conclusion, I would like to emphasize again the importance of cooperation by States that are not parties to the Rome Statute, the United Nations and other international and regional stakeholders with the ICC to enable it to carry out its activities.

Finally, yet importantly, Ukraine, as in previous years, co-sponsored a draft resolution (A/72/L.3) prepared and introduced by Mexico this morning (see A/72/PV.36). We believe that its adoption by consensus will demonstrate our common strong support for the ICC and our determination to fight against impunity and thereby contribute to the prevention of the most serious crimes.

Mr. Ly (Senegal) (*spoke in French*): I would like to warmly thank Ms. Silvia Fernández de Gurmendi, President of the International Criminal Court, for her leadership at the head of the Court and for presenting the report on its work (see A/72/349). Under her presidency, the Court will have made enormous progress in streamlining its work and improving the effectiveness of that work. As she presents her final report as President of the Court, she can be proud of the great work she has accomplished with great rigour, professionalism, independence and courtesy throughout the years. She has the eternal gratitude of States parties, victims and the whole of humankind. I would also like to pay tribute to all those who, within the Court and elsewhere, commit themselves on a daily basis to ensuring that victims of mass crimes have the right to justice. Senegal remains convinced that a world of peace and stability means justice for all and reiterates its commitment to work with all stakeholders to that end.

The consideration of the report of the International Criminal Court today reflects the importance of that institution in the global fight against impunity and in respect for the rule of law. The work of the Court during the period under consideration does indeed show that the first and only permanent international court in charge of prosecuting mass crimes makes a significant contribution to delivering justice to millions of victims around the world and has given affected populations the feeling that all of humankind has heard their cries.

There can be no more eloquent testimony than the record of 25 cases that have come before the Court to date. The Office of the Prosecutor has conducted 10 preliminary examinations all over the world, in addition to the active phase of reparations undertaken by the Trust Fund for Victims. All that leads me to say that, slowly but surely and irreversibly, the universality of international criminal justice is making progress. Senegal invites all States to provide the necessary assistance and cooperation to the Court so that it can continue to fulfil its mandate in an optimal manner.

On 8 December 2014, three years ago, at the time of his election as President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Mr. Sidiki Kaba — then Minister for Justice, now Minister for Foreign Affairs of Senegal — called for us to rise to the challenge of cooperation, universality, complementarity and strengthening relations among States parties. Actions and steps forward have been taken in that direction, but we must admit that we have many challenges yet to overcome. Nonetheless, by demonstrating our resolve and determination in combining our efforts, we can arrive at our goal.

Together we will work towards ever-closer cross-cutting, multilateral and multifaceted cooperation that is constantly being strengthened to win the fight against impunity and build a more peaceful, prosperous and fairer world. Together, we will work for the universal ratification of the Rome Statute and for the integration of those norms into the domestic law of States so that all victims throughout the world, wherever they live, have an equal and fair chance of obtaining justice. Together, we will work towards complementarity by strengthening national judicial systems so that they can judge even the most serious crimes that strike our collective conscience, to ensure that peace reigns. Together, we will work to breathe new momentum into the relations between the Court and all regions

of the world, particularly Africa, through a frank and constructive dialogue in the Assembly of States Parties.

As the great philosopher Kierkegaard said, "It is not the path which is the difficulty; rather, it is the difficulty which is the path." Let us never forget that it is through difficult situations that we inscribe the greatest causes of humankind.

Mr. Muhammad Bande (Nigeria): My delegation is grateful to the President of the International Criminal Court (ICC) for the report (see A/72/349) introduced for consideration today. We applaud the Court for its ability to cope with the heavy workload during the reporting period.

The ICC was created based on the notion that impunity must be challenged and that persons found guilty of committing serious crimes must be punished. We therefore welcome the appreciable progress recorded by the Court in the fight against impunity and crimes against humanity. We commend the Court for its significant contributions to the development of substantive and procedural international criminal law. We also appreciate the essential contributions of the Court to the promotion of the rule of law.

We have studied the report closely and observed that, since the start of its operations, the Court has opened a total of 25 cases and conducted investigations in 10 situations: the Central African Republic I and II, Côte d'Ivoire, Darfur in the Sudan, the Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali and Uganda. In addition to its investigations, the Office of the Prosecutor is conducting 10 preliminary examinations in some countries, among which is Nigeria.

As indicated in the report, the Office of the Prosecutor analysed information on a variety of crimes allegedly committed in different contexts, including alleged sexual and gender-based crimes in the armed conflict between Boko Haram and the Nigerian security forces. The Office has also gathered information on Nigerian national proceedings relating to eight potential cases identified by the Office and has exonerated Nigeria of the allegations arising from the 2011 elections. Nigeria will continue to support the ICC as it continues its preliminary examination process. Recently, we had the honour to welcome the chief Prosecutor of the ICC. We appreciate the Prosecutor's meetings with civil-society organizations and victims of alleged Rome Statute crimes committed in Nigeria.

We congratulate the Court for the successful handling of its first case involving the destruction of cultural property, namely, attacks on historic monuments in Timbuktu, Mali, which was the Court's first case involving an admission of guilt by the accused. That will serve as a good precedent for the Court in handling similar cases.

Nigeria joins other Member States in commending the decisions of the Gambia and South Africa to return to the Court. As a committed member of the Assembly of States Parties to the Rome Statute of the International Criminal Court, we wish to reaffirm our commitment to the Court and the fight against impunity for Rome Statute crimes. We also believe that the Court represents an international mechanism for ensuring justice for all.

Nigeria wishes to emphasize that it has no intention of pulling out of the ICC. However, we will continue to work in concert with States parties of the ICC towards improving the working methods of the Court for a fairer and more efficient delivery of its mandate in the service of humankind and equitable justice. Nigeria believes that a strengthened and reinvigorated ICC, as a symbol of the international criminal justice system, has an important role to play in offering solace to victims of heinous, despicable and dastardly crimes. We have a collective duty to this generation and to future generations to give a voice to the voiceless and ensure that the perpetrators of those crimes are brought to justice.

We welcome the ongoing support and cooperation that the Court receives from the senior leadership of the United Nations. We commend the support of the previous Secretary-General and equally appreciate the supportive engagement with the Court of the current Secretary-General and his team, and we hope that the close collaboration will be sustained. The crucial cooperation of the Under-Secretary-General for Legal Affairs and Legal Counsel as the interface between the Court and the United Nations is also highly appreciated. As the main forum for diplomacy, the United Nations presents a unique medium for promoting the Rome Statute issues and considerations for greater understanding.

Nigeria welcomes the Court's ongoing cooperation with States, non-State parties, regional organizations, national bar associations and other relevant stakeholders. We also wish to express our gratitude for the generous contributions from the

European Commission, the Netherlands, Norway and the International Organization of la Francophonie that have enabled the Court to conduct nine high-level and technical events during the reporting period.

Conferences and seminars are important forums where participants benefit from the exchange of ideas and information and have an opportunity to better understand issues. In that connection, seminars — such as the one in Addis Ababa with African States parties — are necessary, as they become veritable avenues for addressing the areas of misunderstanding between African States and the Court.

We call on non-States parties to become signatories to the Rome Statute in order to enhance the universality of the Court and to enable it to function effectively in the fight against impunity.

Mr. Bin Momen (Bangladesh): Bangladesh thanks the President of the International Criminal Court (ICC) for presenting a comprehensive report (see A/72/PV.36). We take note of the ICC's increased workload and the corresponding demand in the level and scope of cooperation between the United Nations and the ICC. We are pleased to once again co-sponsor the draft resolution entitled "Report of the International Criminal Court" (A/72/L.3).

Bangladesh considers the Court's hearing and verdict in its first case involving the destruction of cultural property, as well as admission of guilt by the accused, to be a significant development. We appreciate the report furnished on the situations and cases under the Court's jurisdiction, the ongoing investigations into 10 cases and the proceedings with reparations for victims in four cases (see A/72/349). It is also useful to have an overview of the preliminary examinations being conducted by the Office of the Prosecutor.

One of the most compelling narratives emanating from the ICC is the significant number of victims it has been supporting through its determination of reparations and also through its Trust Fund for Victims. We underline the need for a sustained flow of resources to that Trust Fund from States parties, philanthropic organizations, foundations and individuals, among others. We thank the Trust Fund in particular for announcing the launch of a victims assistance programme in Côte d'Ivoire.

Bangladesh attaches great importance to addressing sexual and gender-based violence during armed conflicts

and to ensuring accountability and justice for such crimes committed by both State and non-State actors. We recall the first conviction for sexual violence by the Court last year in what is also its first case involving command responsibility. Bangladesh reaffirms its readiness to share its national experience in ensuring justice for victims of rape and other forms of sexual violence committed during our war of independence in 1971, and the renewed judicial and administrative efforts made in recent times to promote due recognition and reparation for such victims.

We stress that the cooperation, assistance and support of State parties to the Rome Statute, as well as of other States, remain critical for discharging the ICC's mandate in a sustained and meaningful manner. We reiterate the importance of recognizing the ICC's mandate and competence through the United Nations system with a view to acknowledging its valuable contribution to international peace, the rule of law, and peaceful, just and inclusive societies.

We underscore the Security Council's continued support for the effective functioning of the Court, including for the cases referred to the Court by the Council. As a lead contributor to United Nations peacekeeping operations, we will continue to extend the necessary cooperation to the Court in the mission areas where our peacekeepers and military observers are deployed.

Bangladesh attaches high importance to the primary responsibility of national jurisdictions to investigate and to prosecute the crimes defined in the Rome Statute. We fully endorse the recommendations for the possible inclusion of issues related to the Rome Statute in legal and judicial reform programmes supported by the United Nations in the context of development assistance for the rule of law. That would be particularly important to States that are not party to the Rome Statute and that have been alleged to have committed atrocity crimes against their own civilians.

The ongoing violence and the forcible displacement being pursued by the Myanmar security forces against the Rohingya in Rakhine state reinforce the overriding importance of adhering to the principles of the Rome Statute, including in the context of a fledgling democracy. The international community, especially the Security Council, has a responsibility to seek accountability for what the United Nations High Commissioner for Human Rights has termed a textbook

example of ethnic cleansing in Rakhine state. In a recent statement, the Special Adviser to the Secretary-General on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect emphasized that those implicated in the commission of the reported atrocity crimes must be held accountable, whatever their status. It is critical that the Myanmar authorities allow access to the United Nations fact-finding mission as an important first step in that regard.

As a State party, Bangladesh remains committed to the promotion of the universality and the full implementation of the Rome Statute. We thank two States parties for reversing their decision concerning their notifications of withdrawal from the Rome Statute. The ICC cooperation seminars and other cooperation arrangements with relevant international and regional organizations should also contribute to the universalization agenda.

Bangladesh underscores the need for appropriate capacity-building support, through training and the sharing of knowledge, for national jurisdictions of State parties, pursuant to the principle of complementarity. In that context, we reiterate the need to consider budgetary support for internships and visiting professional programmes for applicants from States parties representing developing and least developed countries. We reiterate that due attention should be given to ensuring equitable geographical representation for staffing at the Court, especially at the professional level.

Bangladesh looks to the forthcoming session of the Assembly of States Parties for constructive and pragmatic decisions, including on the activation of the Court's jurisdiction over the crime of aggression. We thank those delegations that have actively contributed to taking forward the intersessional work.

To conclude, we reiterate the need to uphold solidarity among States parties and the integrity and credibility of the legal and judicial proceedings of the Court in the overarching interest of fighting impunity for internationally defined crimes wherever and by whomsoever they are committed.

Mr. Oña Garcés (Ecuador) (*spoke in Spanish*): The delegation of Ecuador expresses its appreciation to the President of the International Criminal Court, Ms. Silvia Fernández de Gurmendi, for her presence at the meeting this morning (see A/72/PV.36) to present the report of the International Criminal Court

on its work carried out in 2016 and 2017, contained in document A/72/349, issued on 17 August.

Ecuador has consistently defended the role of the International Criminal Court in the maintenance of international peace and justice as an essential component of conflict prevention and of reparations to the victims of the most serious crimes. On this occasion, we reiterate our support for the Court as a mechanism with unique characteristics to fight impunity. We call for all States present in the Hall to also lend their support so that the Court can effectively and concretely exercise its jurisdiction over persons and its competence with respect to the most serious crimes of concern to the international community.

Certainly that is the least that should be done when history has witnessed past and present events that have made children, women and men victims of unimaginable atrocities that deeply shock the conscience of humankind, as stated in the preamble to the Rome Statute. Indeed, the crime of genocide, crimes against humanity, war crimes and crimes of aggression, which are subject to complementary jurisdiction, can be appropriately judged if there is universal accession by States to the Statute and if States provide the necessary cooperation to the Court.

In that regard, for Ecuador, the universality of the Rome Statute must be an irrevocable objective that will enable us to achieve genuine universal criminal justice that ensures the fight against impunity and allows for the due punishment of those who commit the most serious crimes affecting the international community. However, the universality of the Statute is not just full membership of the International Criminal Court, but also the guarantee that all cases involving the commission of crimes subject to the jurisdiction of the Court are tried without double standards, without exceptions based on political or economic interests and without the use of different parameters to measure the same situations. To ensure such independence, it is essential that the International Criminal Court have the necessary financial resources to carry out its work and that any reduction in expenses not affect crucial areas of the Court's functioning.

We also believe that the strengthening of international criminal justice requires the acceptance of the Kampala amendments, adopted in 2010. Ecuador is in the process of ratifying those amendments. We believe that the entry into force of the Kampala

amendments will mark a historic milestone in the history of international criminal justice.

In addition, we believe that it is necessary to strengthen the mechanisms for obtaining resources and invigorating the cooperation of the international community with regard to the Trust Fund for Victims, to the extent that the Fund assists the work of the Court on a fundamental element of justice, that is, the protection of victims and reparations for the crimes dealt with in the Rome Statute.

We also wish to reiterate our position with regard to the principle of complementarity with the Court. We attach particular importance to complementarity, since it is a mechanism that allows States to cooperate in the fight against impunity and has something of singular importance, namely, national capacity-building. Through complementarity, the International Criminal Court supports national legislations; it is not a substitute for them.

Finally, my delegation would also like to express its support for the efforts of the United Nations system to improve the channels of cooperation with the Office of the Prosecutor and other organs of the Court. We call on Member States to provide all possible support for the fulfilment and execution of the orders issued by the relevant authorities of the International Criminal Court.

Mrs. Gregoire Van Haaren (Netherlands): The Kingdom of the Netherlands aligns itself with the statement delivered by the observer of the European Union (see A/72/PV.36).

The Kingdom of the Netherlands would also like to join others in expressing gratitude to President Fernández de Gurmendi for her presence in the Hall today and wishes to compliment her for her outstanding presentation (see A/72/PV.36). The annual report of the International Criminal Court (see A/72/349) gives a clear overview of the considerable work done in the reporting period and of the challenges ahead.

Given the great importance of the topic at hand, allow me to briefly address the following three issues: the fight against impunity, the current challenges facing the Court, and the universality of the Rome Statute.

First, the Kingdom of the Netherlands remains deeply committed to the fight against impunity for the most serious international crimes. In that light, we welcome the fact that the threshold of 30 ratifications of the crime of aggression amendments has been met,

which enables the Assembly of States Parties to activate the Court's jurisdiction on the crime of aggression at its upcoming session. The Kingdom of the Netherlands attaches great importance to a clear decision of the Assembly of States Parties in that respect, as it will constitute a fundamental step towards ensuring accountability and ending impunity.

While underlining the Court's essential role in the fight against impunity for all core international crimes, we would like to stress that the primary responsibility for ensuring accountability continues to lie with States, as follows from the principle of complementarity. In order to maintain a functioning system of international criminal justice, thereby promoting international peace and justice overall, it is important to stress the primary responsibility of States to investigate and prosecute the crimes as defined in the Rome Statute. The adoption of national legislation in order to effectively implement the Statute is of critical importance. To put it in simple terms: justice begins at the national level, and not in The Hague.

That brings me to the second point I want to address. As the report sets out clearly, the International Criminal Court is confronting a tremendous workload. In dealing with the many challenges, with that heavy workload and high expectations, the Court should be able to depend upon the States parties in a number of ways. First, the financing of the Court needs to be adequate. We cannot expect more from the Court without ensuring that it has sufficient means to meet those increasing expectations. Secondly, as the Court has itself repeatedly underlined, it inevitably has to rely on the States parties for the enforcement of its decisions and judgments. The Rome Statute clearly lays down the obligations of the States parties to support and facilitate the work of the Court throughout the various stages of its judicial proceedings. In that respect, various forms of voluntary cooperation, such as the conclusion and implementation of framework agreements on the relocation of witnesses and the execution of judgements, constitute a vital contribution to the effective and efficient functioning of the Court.

As the Court is more occupied than ever and confronts an impressive number of trials, appeals, investigations by the Prosecutor, preliminary examinations and continent-crossing situation investigations, it is imperative for States parties to assist the Court. That relates not only to their contributions to the regular budget, but also to the need to intensify

their voluntary cooperation with the Court. Without that cooperation, the Court will be unable to effectively exercise its mandate.

Thirdly, I would like to address the issue of the universality of the Rome Statute. The International Criminal Court embodies norms and values that are both fundamental and universal. On that basis, the Kingdom of the Netherlands would like to reiterate the importance of the ratification of the Rome Statute by all States Members of the United Nations. In that regard, we welcome the decisions taken by those countries that reversed their previously announced intention to withdraw from the Rome Statute.

We commend the various organs of the Court for their comprehensive efforts to promote a meaningful and constructive dialogue with those and other States parties. We express our hope that the positive signals and expressions of trust in the Court's fundamental mission will resonate throughout the international community. We believe that next year's milestone — the twentieth anniversary of the adoption of the Rome Statute — will provide a unique opportunity to emphasize the crucial relevance of the Court and advocate for more global support.

The Kingdom of the Netherlands and, more specifically, The Hague, as the international city of peace and justice, are the proud hosts of the International Criminal Court. As we approach the twentieth anniversary of the Rome Statute, let us work together in promoting the universality of its mission. Let us strengthen our cooperation in facing present-day challenges, which unfortunately pose threats to the maintenance of international justice. The fight against impunity is more pressing than ever. Strengthening cooperation among States parties, but also between States parties and with the Court, is of paramount importance in that regard. Securing global justice is, after all, our joint responsibility.

Ms. Agladze (Georgia): Georgia aligns itself with the statement delivered on behalf of the European Union (see A/72/PV.36). In addition, I would like to add a few remarks in my national capacity.

At the outset, let me thank the President of the International Criminal Court (ICC), Ms. Silvia Fernández de Gurmendi, for the report on the activities of the Court (see A/72/349). My delegation wishes to recognize her dedication, which has been pivotal in guiding the Court during uneasy periods of its

existence. We also thank the President of the Assembly of States Parties to the Rome Statute, Mr. Sidiki Kaba, for his role and leadership in this critical period.

This year's report features several important achievements of the Court, including the first case involving the destruction of cultural property as an attack against historic monuments and buildings. That case marked the first precedent in the Court's proceedings of the admission of guilt by the accused. The ongoing discussions on the activation of the Court's jurisdiction concerning the crime of aggression are of critical importance, and we would like to commend the facilitator for the able stewardship and for all the efforts made. Georgia has ratified the amendments to the Rome Statute on the crime of aggression and looks forward to the decision in December of the Assembly of States Parties on its swift activation.

Preventing the most heinous crimes that threaten the peace, security and well-being of the world is vital to upholding the rule of law at the international level, based on the principles of international law and the common values of humankind that both the Court and the United Nations share. While we approach the twentieth anniversary of the creation of the ICC, sadly the world continues to witness crimes of an unspeakable scale and gravity. The establishment of the International Criminal Court set a new paradigm. Accountability is important to build a future free of violence by avoiding the recurrence of conflicts and repetition of violence, as well as to ensure justice for victims of mass atrocity crimes.

Georgia reaffirms its commitment to the work undertaken by the Court in accordance with its mandate. Effective and comprehensive cooperation and assistance by States are indispensable for the Court to carry out its activities successfully, more so given the Court's complementary role to that of national criminal jurisdictions. Georgia has been cooperating with the Court ever since the ICC Prosecutor announced the start of the preliminary examination of the 2008 war in Georgia, on 14 August 2008. As an enabling factor for the full-fledged cooperation with the ICC, Georgia has put in place adequate implementing legislation for the Rome Statute at the national level.

Moreover, on 26 July 2017, the Registrar of the International Criminal Court, Mr. Herman von Hebel, on behalf of the Court signed an agreement with the Government of Georgia in Tbilisi to facilitate the

Court's activities and ongoing investigations in the country. I would like to recall some of the key aspects of the ongoing cooperation with the ICC.

Georgia has been the victim of international crimes since the 1990s — and notably in August 2008, when thousands of civilians were targeted in a repeated wave of ethnic cleansing and other heinous crimes. At the national level, Georgia has carried out investigations of an unprecedented scale. The investigation team interviewed more than 7,000 witnesses and carried out crime-scene inspections in over 30 inhabited areas. Where evidence was inaccessible due to the Russian occupation of the Georgian territories, the crime scenes were examined through satellite imagery.

Despite our continued efforts, our ability to carry out additional necessary investigative measures in the Abkhazia and Tskhinvali regions at this stage is hampered by the illegal foreign occupation. In those circumstances, the request of Prosecutor Bensouda and the subsequent decision of Pre-Trial Chamber I to authorize an investigation into all crimes under the Rome Statute committed during the 2008 international armed conflict between the Russian Federation and Georgia have been recognized as important steps in acknowledging the ordeal suffered by the victims.

The same Chamber decision stated that an international armed conflict existed between Georgia and the Russian Federation between 1 July 2008 and 10 October 2008. Pre-Trial Chamber I further noted that the consistent pattern of deliberate killing, beating and threatening civilians, detention, looting properties and systematic destruction of Georgian houses took place. As the Prosecutor emphasized, we hope that the investigation will lead to establishing the truth and bringing justice to the victims who suffered so terribly during the conflict.

Georgia will continue to strongly support the Court in its critical work and stands ready to further strengthen cooperation with all States parties in reaching the goals of ending impunity, upholding justice and achieving sustainable peace.

Mr. Llorentty Solíz (Plurinational State of Bolivia): The Plurinational State of Bolivia would like to express its gratitude for the report (see A/72/349) on the activities of the International Criminal Court submitted by its President, Judge Silvia Fernández de Gurmendi (see A/72/PV.36), and we thank her for her leadership at the head of the Court.

The Bolivian State, which respects international law, abides by the purposes and principles of the Charter of the United Nations and the Rome Statute and recognizes the importance of the principles of complementarity and cooperation with the International Criminal Court. Bolivia had an active part in the establishment of the Court, and in its development through the Assembly of States Parties since its signing of the Rome Statute in 1998.

Bolivia takes due note of the course of jurisdictional activities completed and the tasks the Court undertakes to consolidate its complex institutional organization and to improve the effectiveness and efficiency of the work of the various organs of which it is composed. We acknowledge the Court's progress in resolving its cases and the increase in new investigations, which could lead to a greater caseload at a pace gradually consolidating the principles of international criminal justice.

The discovery of truth through the gathering of evidence and witness testimonies in very diverse cultural contexts is a complex task that requires the full cooperation and complementarity of judicial systems, both from the States that are requesting the jurisdiction of the Court and from the United Nations through support in the cases that are referred by the Security Council.

In the cases referred by the Security Council, it will be necessary to study, within the Council, the need to supplement the Court's budget to cover the costs of investigations, trials and possible victim reparations. In that context, we note the need for greater coordination and cooperation among the Court, the Security Council and the wider United Nations to achieve the common objectives of international peace and security.

At the end of its first 15 years of existence and nearly 20 years since the signing of the Rome Statute, the Court has shown its ability to solve complex cases in sensitive areas. The scope of the Statute is still being tested today, and the difficulties of an unprecedented model of universal criminal justice for a multipolar, diverse and plural world are being overcome labouriously.

The International Criminal Court is part of a global undertaking that affects all States. Its mission is consonant with strengthening international criminal justice and the values it embodies: peace and security, respect for human rights, guarantees of due process, protection of victims and the end of impunity. In that

connection, we call for its universality and urge those States that are not yet party to join it.

It is appropriate to repeat that it is not possible to leave unpunished those who committed, or continue to commit, crimes affecting the international community. All States, whether they are party to the Court's Statute or not, have the primary responsibility for taking action and contributing to the prevention and trial of such crimes. The International Criminal Court, acting independently and effectively, using the best methods of cooperation and complementarity with States, is vital to guarantee universal criminal justice.

Mr. Pérez de Nanclares (Spain) (*spoke in Spanish*): Once again, I have the honour of addressing the General Assembly on an issue that Spain considers to be of the utmost importance. The fight against the most serious international crimes constitutes, without any doubt, an essential element in maintaining international peace and justice. It is also an imperative flowing from the principle of the rule of law, which is inherent to the international legal system. Fighting impunity, prosecuting the criminals who commit such crimes and ensuring justice for the victims must be permanent goals for the whole international community.

Besides endorsing the speech delivered by the observer of the European Union (see A/72/PV.36), I would like to highlight the work undertaken by the International Criminal Court (ICC). That work is detailed in the report (see A/72/349) covering the period from 1 August 2016 to 31 July 2017, which was presented this morning by the President, Judge Fernández de Gurmendi (see A/72/PV.36). To her, the judges, Prosecutor Bensouda and the rest of the Court's personnel we express our most sincere thanks. We also thank the Mexican delegation for its work in the promotion and coordination of the draft resolution (A/72/L.3), which Spain has co-sponsored.

Since the very beginning of the preparations for the Rome Statute, Spain has been a strong advocate of the role assigned to the ICC in the difficult task of fighting impunity with the tools of the international rule of law. We also played a very active role at the 2010 Kampala Conference. Accordingly, the Kingdom of Spain submitted its instrument of ratification of the Kampala amendments quite early, on 24 September 2014. There is no doubt that my country will maintain its traditional firm and sincere support to the work of the Court.

At the present time, we are all perfectly aware of the existing disagreement regarding the activation of the Court's jurisdiction over the crime of aggression. The consensus compromise reached at the Kampala Conference, reflected in articles 8 bis, 15 bis and 15 ter, allowed for the adoption of the text of the amendments and the successful conclusion of the Conference. Now that the threshold of the 30 ratifications needed for its entry into force has been surpassed, the Assembly of States Parties will be responsible for adopting the decision to activate the jurisdiction of the Court.

However, the underlying problem has re-emerged. Different positions have emerged as to whether the focus is on article 15 ter, paragraph 3, or on article 121, paragraph 5. They reach diametrically opposed conclusions. That makes it extremely difficult to forecast the result of the next session of the Assembly of States Parties, to be held in December.

In that connection, Spain would like to commend Austria's work as facilitator and advocate above all for reaching a desirable consensus within the Assembly of State Parties. Moreover, we also stand for the need to comply with what was agreed in Kampala. That is why the decision to be finally adopted should not imply the reopening, *de facto* or *de jure*, of the negotiation of what was agreed in Kampala, already ratified by 34 States.

Without going into specific figures, which have already been mentioned repeatedly by the speakers who preceded me, I would like to underline four of the positive aspects of the work carried out by the Court in the past year.

First is the extension of the geographic scope of the Court's action, which encompasses four continents: America, Africa, Asia and Europe. The fight against impunity for international crimes knows and should know no borders.

Secondly, we must commend the influence of the Court on State-level proceedings against the crimes under its jurisdiction. There have been various instances in which, pursuant to the principle of complementarity, the Court has not exercised its jurisdiction because of the intervention of national jurisdictional bodies.

Thirdly, we welcome the consolidation of the role of the Trust Fund for Victims, which, as the observer of the European Union said this morning, constitutes an essential pillar of the work of the International Criminal Court.

Lastly, we applaud the Court's first conviction for offences against the administration of justice, in accordance with article 70 of the Rome Statute, as well as the consideration given to the attacks on historic monuments and buildings.

Despite the undoubtedly positive assessment of the overall work of the Court, there are at least four aspects that require a critical assessment.

The first is the withdrawal of Burundi. Our ambition is for the number of State parties of the Statute to continue increasing, without any withdrawals. In that regard, we must welcome the fact that South Africa and the Gambia reconsidered their initial decisions to withdraw from the Statute.

The second aspect that has become a source of some concern pertains to collaboration between the Court and the Security Council. We believe that the report of the Court clearly identifies the elements where improved collaboration is desirable. Those elements point towards sanctions approved by the Security Council and its reaction, or lack thereof, to the notifications of non-collaboration sent to it by the ICC. We believe that we should take serious note of the report of the Court and act accordingly.

A third element to be underlined is the fact that we, the States, must act in appropriate fashion. Cooperation with the Court and the proper execution of its decisions is vital to achieve the necessary credibility of the system. In that regard, particular attention should be paid to the arrest of suspects.

Finally, we believe that we must also draw attention to the need for the Court to carry out its work effectively and efficiently, based on good governance and transparency. That in no way precludes our recognition of the notable efforts and advances that the Court has achieved recently.

Spain wishes to conclude by underscoring the vital importance of the Court in the maintenance of peace, justice and the rule of law through the effective fight against impunity for the most serious crimes committed against humanity, while reiterating the firm commitment of our country to pursue that commendable objective.

Mr. Okaiteye (Ghana): I would like to join previous speakers in thanking the President of the International Criminal Court (ICC) and the Secretary-General for their comprehensive report on the activities of the Court

for the period 2016/2017, as reflected in the report of the Court (see A/72/349).

Ghana attaches great importance to the work of the International Criminal Court and its role in ensuring accountability for crimes, providing justice to victims and helping to prevent future crimes. In recognition of the relevance of international criminal justice for the rule of law and international peace and security, Ghana remains committed to the Rome Statute and wishes to take this opportunity to pledge its unwavering support for the Court and its activities. Ghana's democracy is strongly rooted in respect for the rule of law, and we believe that the culture of impunity for atrocity crimes should have no place in the twenty-first century.

The targets established under Goal 16 of the Sustainable Development Goals provide additional reasons why international criminal justice issues must be mainstreamed within the framework of the rule of law at the national and international levels, and we support the views expressed in the report in that regard.

My delegation welcomes the highly valuable cooperation that the ICC maintains with the United Nations and efforts to strengthen the linkages between the mandates of the United Nations and the Court. We very much encourage the further strengthening of that engagement at the working level. We also encourage the Court to explore opportunities for closer engagement with regional organizations, in particular with the African Union, which has a strong peace and security agenda. While the Court and the Security Council have different roles in addressing grave crimes, those roles, as rightly indicated in the report, are complementary. We therefore look forward to increased cooperation and complementarity between the two bodies in order to improve the implementation of obligations, enhance crime prevention and effectively combat impunity.

As indicated in the report, the primary responsibility of national jurisdictions to investigate and prosecute crimes defined in the Rome Statute, and strengthening their capacity to do so effectively, remains critical to ending impunity for international crimes. Consequently, development assistance for building capacities in international investigations and prosecution and for the incorporation into national legislation of Rome Statute crimes and principles and national processes for cooperation with the Court are an important area of activity.

My delegation takes note of the heavy workload of the Court in the period under review. With a total of 25 ongoing cases and investigations in 10 situations and other preliminary examinations, that is evidence that the Court is more relevant today than ever. In the light of that fact, we wish to call on States parties to seriously consider the issue of complementarity as one of the options to be explored in addressing the overload of the Court's work. We call for capacity-building at the national level so that national courts can take ownership of some of the trials. Certainly, the independence of those national courts should be paramount in the capacity-building efforts in order to ensure that fair trials are held.

My delegation wishes to commend the Court for its activities relating to reparations and assistance provided through the Trust Fund for Victims, as reflected in paragraphs 117 and 118 of the report. That will help to assuage the suffering of victims and give succour to their dependants. We urge States parties to continue to support the Fund and to sustain the assistance programmes.

In view of the importance Ghana attaches to those issues, the Government has decided to present the candidature of Ms. Henrietta Joy Abena Nyarko Mensa-Bonsu for election as a judge in the ICC in the upcoming elections in December. Suffice it to say that Ms. Mensa-Bonsu has all the qualities that States parties are looking for in the judges of such an eminent Court. We believe that she will be an asset to the Court if elected.

We will remain actively engaged in efforts to strengthen the role of the Court as an integral part of the international legal system and to promote broad and strong support for its important work.

Mr. Trujillo (United States of America): We thank President Fernández de Gurmendi for her update of the activities of the International Criminal Court (ICC) from 1 August 2016 through 31 July 2017.

The United States remains deeply committed to accountability for atrocity crimes, and we continue to support myriad international, regional, hybrid and domestic mechanisms that work in pursuit of that goal. Among those options, we have long believed and stated that justice is most effective when it is delivered at the local level. We would call on the ICC and States to respect genuine domestic efforts to promote justice for atrocity crimes.

As we look across the landscape of international justice, we see countries taking on that important task, and the United States welcomes the progress they have made. In the Central African Republic, personnel have been appointed to the Special Criminal Court to begin the work of ending impunity for mass atrocities in that country. Since May, the Head International Prosecutor as well as national and international magistrates, prosecutors and investigators have been named. We are also encouraged by the work of the Kosovo Specialist Chambers, which continues to ready itself for the indictments from the Specialist Prosecutor's Office. In the past year, a roster of judges, along with the President of the Court, was selected, and the judges convened and adopted rules of procedure and evidence.

In addition to those positive steps in domestic systems, the United States is pleased to see advancements in a number of regional and hybrid efforts to end impunity for atrocity crimes. For example, in November of last year, the Extraordinary Chambers in the Courts of Cambodia upheld the convictions of Nuon Chea and Khieu Samphan for crimes against humanity, finally bringing a measure of justice for the victims of murder, persecution and other inhumane acts in Cambodia decades ago. In South Sudan, the African Union is working with the South Sudanese Government to prepare for judicial processes of accountability, taking steps to establish a hybrid court to prosecute those responsible for atrocities committed in that country. For institutions like these, there is still much work to be done, but every step forward is a welcome one.

In that vein, the United States has supported building a foundation for accountability through documentation of atrocities that help domestic courts deliver justice. In Iraq, for example, the United States supported Security Council resolution 2379 (2017), adopted last month, requesting that the Secretary-General establish an investigative team composed of international and Iraqi experts, headed by a special adviser, to support Iraqi domestic efforts to hold the Islamic State in Iraq and the Levant (ISIL) accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to genocide, crimes against humanity and war crimes.

Information gathered by the team could be used by Iraq, and, with the approval of the Security Council, other Member States, on the territory of which ISIL has committed acts that may amount to genocide, war crimes and crimes against humanity, may request the team to collect evidence of such acts. The resolution

further encourages other Member States to provide appropriate legal assistance and capacity-building to the Government of Iraq in order to strengthen its courts and judicial system. Taking timely steps to gather evidence for potential use in criminal prosecutions will be particularly important, as we know that over time material and witness testimony may be more difficult or impossible to obtain.

The United States has for years supported Syrian non-governmental organizations that are documenting human rights abuses and international humanitarian law violations in Syria, as well as the Independent International Commission of Inquiry, which was established in 2011 by the United Nations Human Rights Council with a mandate to investigate all human rights violations in Syria. The United States has also strongly supported the call for accountability in numerous Security Council resolutions and supported the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to investigate chemical-weapon attacks.

In the past year, we have supported the international community in taking efforts one step further with the International, Impartial and Independent Mechanism for the Syrian Arab Republic, established through resolution 71/248, in December 2016. Its mandate is to consolidate and analyse evidence of violations of international humanitarian law and abuses and violations of human rights law, including evidence generated by the Committee on Information, non-governmental organizations and others, and to prepare files in order to facilitate fair and independent criminal proceedings in the appropriate forums. That can be an important step forward to support investigations and prosecutions of perpetrators of atrocities in Syria.

As those and other efforts demonstrate, it is through multiple institutions and mechanisms that the international community can fight to end impunity for those crimes that shock our common conscience. As the United States considers these issues and how they relate to the ICC moving forward, I would recall that we have serious concerns with respect to the crime of aggression amendments, which we believe contain dangerous ambiguities regarding basic issues, such as which States and what conduct would be covered by the amendments. As we have said consistently, we believe that such issues should be clarified before any decision is taken by the ICC States parties to activate the amendments. Taking concrete steps to do so will

help ensure that States are able to join together when necessary to take action to prevent atrocities and safeguard collective security.

In conclusion, as long as minorities in Burma are persecuted and murdered, as long as civilians are attacked with chemical weapons in Syria, as long as South Sudanese children are abducted and forced into combat and as long as people are being tortured and disappeared in Burundi, States cannot stand by idly. Those who are responsible for atrocities must face consequences for their actions in accordance with international law. Steadfast in our commitment to pursue justice for the world's worst crimes, the United States will continue our work towards that end.

Mrs. Pino Rivero (Cuba) (*spoke in Spanish*): The delegation of Cuba takes note of the report of the International Criminal Court (see A/72/349) and expresses its commitment to the fight against impunity for crimes that affect the international community. Several issues — such as the international situation characterized by armed conflicts, foreign interventions to the detriment of the principles of international law, which directly affects the people, and the attempts to withdraw from the Rome Statute by some of its members — positively demonstrate once more the need for an autonomous international institution of jurisdiction, which would lead the fight against impunity for the most serious crimes against humankind.

However, based on what is stipulated in articles 13 (b) and 16 of the Rome Statute, which demonstrate the ample powers bestowed upon the Security Council in relation to the work of the International Criminal Court, the reality is that the Court is far from being an independent institution. Apart from undermining the essence of that organ's jurisdiction, this issue violates the principle of independence of judicial bodies and the transparency and impartiality of the administration of justice.

The referrals made to the Court by the Security Council, which are included in the Court's report, confirm that negative trend, to which our country has made reference on various occasions. We reiterate once again that, in the referral processes of the Security Council, international law is constantly violated, evidencing a selective policy towards developing countries, in the name of a supposed fight against impunity. That is why Cuba reiterates its position in favour of the establishment of an international criminal

jurisdiction that is impartial, non-selective, effective, fair, complementary to national justice systems and genuinely independent, and therefore free from subjugation to political interests that might erode its essence.

The delegation of Cuba reiterates that the International Criminal Court cannot ignore international treaties and the principles of international law. The Court must respect the principle of law with respect to the consent of a State to be bound by a treaty, as provided for in article 11 of part II of the Vienna Convention on the Law of Treaties, of 23 May 1969. Cuba wishes to reiterate its serious concern about the precedent set by the decisions of the Court to initiate judicial proceedings against nationals of States non-parties to the Rome Statute that have not even accepted the jurisdiction of the Court, pursuant to article 12 of its Statute.

The International Criminal Court must report to the General Assembly on its activities in accordance with the Relationship Agreement. Although Cuba is not a party to the Criminal Court, it is willing to continue to actively participate in negotiation processes related to the Court, and especially on the draft resolution on the report of the International Criminal Court that the General Assembly adopts every year, which must reflect the positions of both States parties and States non-parties to the Court.

Cuba reaffirms its determination to fight impunity and maintains its commitment to international criminal justice, to the principles of transparency, independence and impartiality and to the unrestricted application of and respect for international law.

Mrs. Betham-Malielegaoi (Samoa): Samoa wishes to convey its sincere appreciation to President Silvia Fernández de Gurmendi for her commitment and for the achievements she has brought about during her tenure as Judge and President of the International Criminal Court. We also thank her for the warm sentiments she expressed with regard to Samoa.

Samoa welcomes the constructive report on the International Criminal Court (see A/72/349) and is pleased to be one of the sponsors of draft resolution A/72/L.3. Samoa notes with satisfaction that there are now 124 States parties to the Rome Statute and further welcomes the fact that, as of now, 34 States parties have ratified the Kampala amendments on the crime of aggression. Like other States parties, Samoa hopes that

the sixteenth session of the Assembly of States Parties to the Rome Statute will bring about the activation of the Court's jurisdiction over the crime of aggression, as agreed in Kampala in 2010.

Samoa wishes to reiterate its unwavering support for the Court and its full commitment to the principles of the Rome Statute and the rule of law, as Samoa has continually demonstrated through its actions. Indeed, by hosting the President of the International Court during the forty-eighth Pacific Island Forum, held in Apia in September, Samoa clearly demonstrated its faith in the Court by facilitating the universality of the Rome Statute.

In that regard, Samoa calls upon States Members of the United Nations, especially small island developing States like our own, which have no military capacity and remain dependent on the rule of law, to consider ratifying the Rome Statute as part of their national implementation of Sustainable Development Goal 16. For Samoa, being a State party to the Rome Statute virtually ensures the protection of its nationals and further provides protection against impunity and the perpetrators of heinous crimes.

Mr. Mansour (Palestine): At the outset, I would like to thank the President of the International Criminal Court (ICC), Judge Silvia Fernández de Gurmendi, for her report to the General Assembly (see A/72/349). I would also like to thank the Secretary-General for his report on cooperation between the United Nations and the ICC (A/72/PV.342). The State of Palestine welcomes the crucial support of the United Nations for, and cooperation with, the ICC as well as the ideas put forward to further that cooperation, including through regular exchanges between the Court and the Security Council on the ongoing crimes being examined by the Court.

There can be no doubt that robust international justice is indispensable to international peace and security. Born in reaction to the horrors of our century — from the Second World War and the Holocaust to the genocides in Rwanda and the former Yugoslavia — the International Criminal Court is humankind's pledge to prevent the recurrence of such atrocities. The ICC is the embodiment of our belief that there are crimes for which there can be no immunity and that it is the common responsibility of all humankind to hold those who commit such crimes accountable if States are unwilling or unable to do so. As such, the

universality of the Court is of the utmost importance, and in that regard we welcome the decisions of both South Africa and the Gambia to reverse their decisions to withdraw from the Court. We call on all States to join the ICC to fulfil the long-overdue promise of a universal Court that would ensure that atrocity crimes do not go unpunished.

The States parties to the ICC therefore have a duty not to delay any further the granting of jurisdiction to the Court over the worst form of the illegal use of force, the crime of aggression. The suppression of acts of aggression is of such importance that it stands among the purposes of the United Nations enshrined in Article 1 of the Charter. As long as we are not willing to hold accountable those responsible for the commission of the crime of aggression, we will be failing in our responsibility to help prevent such crimes in the future.

The State of Palestine had the honour to be the thirtieth State to ratify the amendment on the crime of aggression, thereby helping to fulfil one of the two criteria for the activation of the Court's jurisdiction over that crime. At the upcoming session of the Assembly of States Parties of the ICC, and 20 years after the adoption of the Rome Statute, States parties will have an opportunity and the responsibility to activate the Court's exercise of jurisdiction over the crime of aggression. They must do so in a way that is fully consistent with the letter and spirit of the Kampala compromise, which includes specific provisions regarding the jurisdiction of the Court in relation to the crime of aggression. States parties also must not attempt to further restrict the jurisdiction of the Court in relation to this most serious crime.

The State of Palestine has pledged its full cooperation with the Court and acted accordingly since it joined the ICC. It submitted a declaration accepting the Court's jurisdiction over the occupied Palestinian territory, including Jerusalem, which led to the opening by the Prosecutor of a preliminary examination of the situation in the State of Palestine. The State of Palestine submitted extensive communications to the Court with respect to the crimes committed by Israeli officials in relation to illegal settlements and their associated regime and the attacks against the civilian population, notably in the Gaza Strip during the summer of 2014.

Palestine has the utmost respect for the independence of the Court. However, it is clear that all Courts have an obligation to ensure justice is neither delayed nor

denied. The ICC has a heightened responsibility in situations where crimes are ongoing so as to prevent their recurrence. In the past three years, during which the preliminary examination in the situation in Palestine has been under way, Israel has intensified the pace of its crimes, notably in relation to settlements. Israeli leaders have confessed not only to being aware of the existence of such crimes, but also to their intent to commit them and to continue doing so relentlessly, as demonstrated in 2017, when settlement announcements have more than tripled compared to 2016.

Given the overwhelming *prima facie* evidence of the commission of crimes by Israeli officials in Palestine, and given that those crimes are among the most documented in recent history, and taking into account their recurrence and intensification, their gravity, their impact on international peace and security and their link to both colonialism and apartheid, two of the most condemned phenomena under international law, including international criminal law, Palestine remains an important test for the credibility of the Court, a test that the Court cannot afford to fail. We also call on the Prosecutor to ensure that the language used by her Office does not depart from the legal language grounded in all relevant instruments of international law, while avoiding language that could be seen as rooted in political considerations.

On the eve of the twentieth anniversary of the adoption of the Rome Statute of the International Criminal Court, the State of Palestine stresses that the establishment of the ICC was a historic step towards entrenching the international rule of law. Preserving and empowering the Court is of the utmost importance to ensure protection for future generations and to fulfil the purposes and principles enshrined in the Charter of the United Nations.

We all have a responsibility to address the discrepancy between the vital mandate of the ICC and its too-limited resources. Palestine also underlines the important role of civil society and calls on host States and other States to act decisively in addressing any threats against organizations or persons cooperating with the Court.

Finally, the State of Palestine declares its solidarity with all victims of atrocities, and it pledges to support the Court in its endeavour to ensure justice for those victims and save others from such atrocities. The universality and efficiency of the ICC are paramount if

we are to honour our commitment to those victims and the cause of justice and humanity.

The Acting President: We have heard the last speaker in the debate on this item.

We shall now proceed to consider draft resolution A/72/L.3.

Before giving the floor to the speaker in explanation of position before action is taken on the draft resolution, may I remind delegations that explanations of position are limited to 10 minutes and should be made by delegations from their seats.

I now give the floor to the representative of the Sudan.

Mr. Ahmed (Sudan) (spoke in Arabic): My delegation reaffirms its commitment to fighting impunity and to the administration of justice through national judicial bodies that are capable and competent and in a position to uphold their national jurisdictions and administer justice at the national level. That is the responsibility of national jurisdictions, without interference or custodianship by any external party. For that reason, we clearly and utterly reject any dealings with the International Criminal Court (ICC).

The Sudan is not a State party to the Rome Statute, which established the ICC, or the Court itself. We also reaffirm that we have no obligation to either pursuant to the Vienna Convention on the Law of Treaties. Furthermore, we consider the ongoing attempts by some States parties to the Rome Statute to make the General Assembly an Assembly of States Parties to that Statute to be unlawful. The Court is a separate entity; it does not enjoy any organic relationship with the United Nations.

The obligations of States parties in no way involve States non-parties. Therefore, draft resolution A/72/L.3 has no bearing on the Sudan, and, when adopted, it will be given no consideration whatsoever by the Sudan.

The Acting President: We have heard the only speaker in explanation of position before action is taken on the draft resolution.

The Assembly will now take a decision on draft resolution A/72/L.3, entitled "Report of the International Criminal Court". For the Assembly's information, the draft resolution has been closed to e-sponsorship.

I now give the floor to the representative of the Secretariat.

Mr. Nakano (Department for General Assembly and Conference Management): I should like to announce that, since the submission of draft resolution A/72/L.3, and in addition to those delegations listed in the document, the following countries have also become sponsors of the draft resolution: Albania, Andorra, Bangladesh, Barbados, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Ecuador, El Salvador, France, Georgia, Ghana, Greece, Hungary, Ireland, Jordan, Latvia, Lithuania, Malta, Montenegro, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Tunisia, Uganda, Ukraine, the United Kingdom, Uruguay, Vanuatu and the Bolivarian Republic of Venezuela.

The Acting President: May I take it that the Assembly wishes to adopt draft resolution A/72/L.3?

Draft resolution A/72/L.3 was adopted (resolution 72/3).

The Acting President: Before giving the floor to the speaker in explanation of position following the adoption of resolution 72/3, may I remind delegations that explanations of position are limited to 10 minutes and should be made by delegations from their seats.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): The Russian delegation is committed to the international rule of law and to fighting impunity. As part of the Nuremberg and Tokyo tribunals, our country was present at the birth of international criminal justice. Unfortunately, since the International Criminal Court (ICC) started its work, it has not shown itself to be a worthy successor to those two tribunals by living up to the importance of that endeavour.

Once more, we are disappointed that the text of the draft resolution on the report of the International Criminal Court, just adopted as resolution 72/3, was yet again updated with nothing more than technical amendments. We consider it high time to change the approaches used to draft it. The document should fully reflect the positions of the States that are non-parties to the Rome Statute of the ICC. The resolution has turned into an artificially preserved selection of hopes and aspirations that the international community has imposed on the new judicial body since its establishment.

There is a need to recognize that they do not mirror the *de facto* situation, both within and around the Court.

We have expressed our vision of the work of the ICC on several occasions. Unfortunately, last year did not give us any grounds to reconsider that evaluation. For example, with respect to some of the sentences issued during the fifteenth year of the ICC, enormous resources had to be spent, and the effectiveness of the Court has been demonstrated in only one case: in 2011, the Court granted swift legal support for the bombing of Libya. But when reporting on the issue of civilian victims of the NATO bombing of Libya, the ICC Prosecutor stated that nothing had been done to investigate the crimes allegedly committed by the Islamic State in Iraq and the Levant.

The Court continues to ignore the norms of customary international law on the immunity of officials of States that are non-parties to the Rome Statute. As a result, well-known concerns have been shared by a number of States in Africa and by the African Union, and we share those concerns. It is symbolic that they recently gave rise to the first official withdrawal of a State from the Rome Statute of the ICC.

We agree with the assessments voiced here, both in the past and throughout this year, regarding the double standards, selectivity and politicization that the ICC allows in its work. It is not surprising that, in the light of this nature of the Court's work, the Ukrainian and Georgian delegations decided to abuse the rostrum of the General Assembly to voice their usual allegations. The position of Russia with respect to the work of the ICC, specifically on Ukraine and Georgia, is well known, and I will not repeat it.

The reputation of the Court is undoubtedly deteriorating. We have drawn attention to this month's information in the media about abuses that were allowed by current and former staff members of the Prosecutor's Office, including the former Prosecutor of the ICC during the investigation of the Libyan issue. We would further like to point out the inadequate reaction of the Court on that issue.

In conclusion, there are many problems facing the Court; we will not list all of them. However, the main points are as follows: there is not even a single situation that we can recall where the ICC truly facilitated stabilization, the curbing of violence or improvement of the situation for the population. Particularly indicative

in that regard are the many years of work on cases referred to the Court by the Security Council.

In the light of what I have said here, our delegation could not support the technical update of the text and dissociates itself from the consensus on resolution 72/3.

The Acting President: We have heard the only speaker in explanation of position following the adoption of resolution 72/3.

Before giving the floor to speakers in exercise of the right of reply, may I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first statement and to five minutes for the second, and should be made by delegations from their seats.

Mr. Ahmed (Sudan) (spoke in Arabic): We would like to make this statement in exercise of our right of reply to the statement of the representative of Estonia, which was audacious enough to mention the Sudan and His Excellency President Al-Bashir. It is rather shocking to consider that the representative of Estonia works in diplomacy, as he mentioned our President's name without giving his title. I would remind him that the Sudan was one of the first sub-Saharan States to gain independence in Africa.

With regard to the relationship between the International Criminal Court and the Security Council, it is just political and has nothing to do with justice. It is an example of the use of selectivity and double standards, which implies an effort to undermine the political independence and integrity of the Sudan. I am sure that the representative of Estonia is aware of this and of all the different related aspects.

The representative of Estonia's statement was unacceptable and runs counter to diplomatic custom. In his statement, he attacked the Sudan, its people, its Government and its President. Estonia appears to be speaking on behalf of the International Criminal Court and is taking the place of some administrator of international justice. I think that Estonia should really focus on its own domestic issues without giving sermons to anyone else. Indeed, it is only Africa that is the subject of these sermons. When we look at the situation in other parts of the world, it is silence that prevails, as if those countries are beyond criticism when it comes to justice.

We are not a State party to the ICC. We have no obligation whatsoever to the Court, in line with the

Vienna Convention on the Law of Treaties. We are concerned about the fight against impunity. We want to achieve justice as a noble objective, but without politicization, selectivity or subordination to other Powers. My country therefore expresses its rejection and condemnation of the statement made by the representative of Estonia.

Mr. Maung (Myanmar): My delegation takes the floor in exercise of the right of reply to respond to the statement made by the representative of Bangladesh.

The Government of Myanmar is committed to a sustainable solution for peace, stability and development for all communities within Rakhine state. The Government of Myanmar is determined to implement the commitments we made to working until progress and success have been achieved. Rather than rebutting criticism and allegations with words, we will show the world our true intentions by our actions and deeds. Since 25 August, when the terrorist attack took place in northern Rakhine state, we have many positive developments there. Some of the more significant ones are the following:

The Advisory Commission on Rakhine State, led by former United Nations Secretary-General Kofi Annan, delivered its final report on 24 August. The Government has given the report its sincere consideration with a view to carrying out the recommendations as to the situation on the ground to the fullest extent and within the shortest time frame possible. A Ministry of Labour committee has been established to ensure that the recommendations are implemented expeditiously, and an advisory group, including three eminent figures from different regions of the world, will also soon be established.

With regard to the current humanitarian situation in Rakhine state, the Government has identified three main tasks to be undertaken promptly, namely, repatriation and the provision of humanitarian assistance to returnees, resettlement and rehabilitation of all displaced communities, and the establishment of sustainable peace, stability and development in Rakhine state. To implement the tasks, the Office of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine was launched on 15 October. This is a partnership among the Government, the people, the private sector, local non-governmental organizations and civil-society organizations, development partners, United

Nations agencies and international non-governmental organizations. On 17 October, the Committee for the Union Enterprise, chaired by the State Counsellor, was established in order to oversee the operation of the Enterprise. The Association of Southeast Asian Nations Coordinating Centre for Humanitarian Assistance on Disaster Management is now working with the Government of Myanmar to deliver humanitarian assistance to all displaced persons.

Myanmar is collaborating with donor countries of the International Red Cross and Red Crescent Movement to provide assistance expeditiously and in accordance with humanitarian principles. We continue to maintain our cooperation with the United Nations. The Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, recently visited Myanmar and met with the leadership of the country. He also had the opportunity to see first-hand the situation on the ground in Rakhine state. We are also harvesting the paddy fields that were abandoned by those taking refuge in Bangladesh. We have asked the World Food Programme and the Food and Agriculture Organization of the United Nations to assist in harvesting, drying and providing storage for the paddy fields. The fields will be kept for refugees in their names so that they can claim them upon their return.

The Myanmar and Bangladesh authorities are working on the voluntary, safe and dignified return of displaced persons on the basis of the 1993 agreement between the two countries. A delegation headed by the Minister for Home Affairs of Bangladesh was recently in Myanmar for discussions on the issue of repatriation and border security cooperation. During this visit, two memorandums of understanding on the establishment of border liaison posts and security, cooperation and dialogue were signed. Other bilateral engagements are ongoing.

We have been quite surprised to witness Bangladesh's approach to the issue within United Nations forum. This leads me, therefore, to question whether the Bangladesh delegation has the genuine desire to solve the issue rather than to enflame it. The challenges we face in finding a sustainable solution on the issue of Rakhine state cannot be overcome overnight. The sincere and genuine cooperation of the international community is crucial. No one can fully understand the situation of our country the way we do, and no one desires peace and development for our country more than we do. We

wish for all interested parties to be part of the solution, not part of the problem.

Mr. Al Arsan (Syrian Arab Republic) (*spoke in Arabic*): At the outset, my delegation disassociates itself from any consensus regarding resolution 72/3, entitled "Report of the International Criminal Court".

I recall that the Syrian Arab Republic was one of the first countries to actively contribute to the negotiations on the Rome Statute, establishing the International Criminal Court (ICC), and one of its first signatories. However, in the face of the outcomes of the Court's selective implementation of the notion of justice, my country, Syria, decided to disassociate itself from that body, which has become a deficient and biased institution that undermines the noble notion of justice and serves the whims and interests of certain countries, ultimately evolving into a tool to undermine international relations, the principles of international law and the purposes of the Charter of the United Nations.

In their statements today, some delegations have touched on the situation in my country and raised issues that are irrelevant to the item under discussion today. They have called for so-called justice and an end to impunity in Syria through referral of the situation in Syria to the ICC and by asking the State to cooperate with the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The statements I allude to — I refer in particular to those made by the representatives of Denmark and the United States — ignored the substantive criticism that we have heard in the past and again today from some countries about the ICC and its deliberately deficient mandate, which is limited to certain countries and issues. Today, those countries ignored the specific reasons that compelled some States to withdraw from the Rome Statute and the Court.

The political hypocrisy that we continue to see today is manifested in statements of some Governments concerning international justice and calling for the implementation of a virtual ICC mandate on the situation in Syria, whereas those same countries have signed bilateral agreements with the Government of the United States of America in order to give United States soldiers immunity from prosecution before the

ICC. As members are aware, ever since the signing of the Rome Statute and the establishment of the Court, the United States has made diplomatic efforts to reach bilateral agreements with other States, giving immunity to United States soldiers. This has resulted in the achievement of many bilateral agreements to grant such immunity to United States soldiers. We are sorry to hear representatives in many forums, including the Assembly today, speak of referring the situation in Syria to the ICC, while their own countries have signed bilateral agreements with the United States to grant immunity to the soldiers of the United States army under the mandate of the Court.

As for the International, Impartial and Independent Mechanism, the Syrian Arab Republic and other Member States refuse to recognize the Mechanism or any mandate thereof, as it only reflects the distortion of the notion of universal jurisdiction and abuses that jurisdiction in the General Assembly. It is a grave violation of the provisions of Articles 2 and 12 of the Charter of the United Nations and the provisions of others that specify the powers of the General Assembly.

I wish to cite here an example of a grave legal breach in the establishment of the Mechanism, which was granted powers and authorities that belong mainly to the national prosecutory and judicial bodies of each country. The Charter of the United Nations grants the General Assembly no power or authority related to prosecution or criminal investigations. Consequently, the General Assembly does not have the mandate to establish a body that enjoys powers and authorities that the General Assembly itself does not enjoy, let alone to establish such a Mechanism. Such authority is enjoyed exclusively by the Security Council.

Once again, I call on all members of the Assembly to read document A/71/799, which contains the text of a letter from the *Chargé d'affaires a.i.* of the Permanent Mission of the Syrian Arab Republic to the Secretary-General, highlighting the grave legal breaches in resolution 71/248, which established the illegal Mechanism. Syria calls on Member States to disassociate themselves from the Mechanism and to refrain from providing it with support or finance, given the fact that 80 per cent of its funding is provided by the Government of a State that does not recognize the

United Nations designation of the Al-Nusra Front as a terrorist body and that continues to finance and arm the Al-Nusra Front. Therefore, a mechanism that is being funded by the same source that finances terrorism cannot be international, impartial or independent. It is a distortion of the notion of universal jurisdiction.

It is no longer acceptable for the Governments of certain States to use justice — one of the noble purposes of humankind — as a tool to interfere with the internal affairs of other States. It is no longer acceptable for justice to be a mere tool for the most powerful to exercise their power over the weak. We therefore call on the Governments that frequently speak about impunity to back up their words with actions and to hold their country's officials accountable for sponsoring, facilitating and financing the transfer of thousands of foreign terrorist fighters to my country, Syria. Everyone believes, perhaps only implicitly, that the influx of tens of thousands of those foreign terrorist fighters into Syria and Iraq was the result not of individual efforts, but rather of a well-organized scheme that operated for years. The Governments and intelligence services of many countries are implicated therein.

We also call on the Governments that speak out against impunity to hold to account the forces of the international coalition in Syria, led by the United States, which have used internationally prohibited weapons in Syria, including white phosphorus, killing thousands of civilians. They have bombed schools, bridges, infrastructure, power plants and water plants, and destroyed the city of Raqqa. With the help of supporting militia, they levelled the city and declared victory over the Islamic State in Iraq and the Sham (ISIS). The result was that the international coalition forces and their supporting militia struck a deal with ISIS whereby its fighters were moved from Raqqa to Deir ez-Zor in order to obstruct the operations of the Syrian Arab Army and its allies.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 76?

It was so decided.

The meeting rose at 5:45 p.m.



General Assembly

Seventy-second session

38th plenary meetingWednesday, 1 November 2017, 10 a.m.
New York

Official Records

President: Mr. Lajčák (Slovakia)

In the absence of the President, Mr. Llorenty Soliz (Plurinational State of Bolivia), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Agenda item 42

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General (A/72/94)

Draft resolution (A/72/L.2)

Mr. Biang (Gabon): Before I begin my formal statement, allow me to express my firm and strong condemnation of the tragic attacks that hit New York City yesterday. I present my deepest condolences to the Government of the United States of America and my solidarity to the victims' families.

I have the honour to deliver this statement on behalf of the Group of African States on the agenda item on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

Allow me also to associate my statement with that to be delivered by the representative of Ecuador on behalf of the Group of 77 and China.

This is a matter of great importance to the Group of African States, and indeed to Africa in general. At the twenty-eighth ordinary session of the Assembly of the

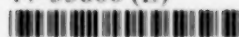
African Union, held in January 2017, the African Heads of State and Government deliberated on this matter. Their call was loud and clear for the lifting of the long-standing unjust economic, commercial and financial blockade of Cuba.

It has now been 55 years since the embargo against Cuba was unilaterally imposed by the United States of America. Moreover, for more than two decades the will of the international community, as expressed in the General Assembly, has overwhelmingly urged and appealed for the immediate end of the long-standing economic embargo against Cuba. It is particularly regrettable that after the improvement in the bilateral relations between the United States and Cuba that was achieved during the previous United States Administration, the blockade against Cuba has recently been strengthened. That is clearly a step backwards in the bilateral relations between the two countries, which should be urgently addressed.

We are particularly concerned that the embargo continues to causes great economic hardship for the people of Cuba, particularly the poor and most vulnerable. Moreover, it most certainly makes the achievement of sustainable development even more elusive. Therefore, it undermines our collective efforts to universally push towards implementing the 2030 Agenda for Sustainable Development and ensuring that no one is left behind. The international community needs to stand together in bringing the blockade to an end. It is an infringement on the Cuban people's right to development.

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The African Group calls for the blockade against Cuba to be unequivocally lifted, not only because it is right to do so, but also because of Cuba's many positive contributions over the past decades as a responsible member of the international community. In fact, Cuba has a proud history in Africa, both in its support for Africa's struggle for liberation and, more recently, in its contributions to alleviating the effects of some of the major health crises that the continent has faced in recent years. The people of Africa will continue to remember those contributions, and the people of Cuba should continue to be proud of their nation's important contributions as a responsible member of the international community.

Accordingly, the Group of African States reaffirms its full support for draft resolution A/72/L.2, on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. We think that a diplomatic and political solution can be found to the matter, and we are of the firm belief that that it will be beneficial to both the United States of America and Cuba, in addition to other countries. The Group of African States further reiterates the call on the Government of the United States to lift the long-standing embargo against Cuba.

Mr. Morejón Pazmiño (Ecuador) (*spoke in Spanish*): I have the immense pleasure of welcoming the Foreign Minister of Cuba and his delegation, who are present with us today. They are always very welcome.

I have the honour to speak on behalf of the Group of 77 and China on agenda item 42, "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

I thank the Secretary-General for his comprehensive report on the agenda item that we are discussing (A/72/94). The Group once again deplores the fact that the economic, commercial and financial embargo imposed by the United States 55 years ago against our brotherly Republic of Cuba remains in full application and continues to be strengthened. The Group recalls the positive steps taken by the previous Administration of the United States in 2015 and 2016, which, though still inadequate to effectively end the impact of the embargo, were headed in the right direction. The Group also deplores the new policy established by the current President of the United States, which is aimed at strengthening the embargo against Cuba. The Group believes that such a policy is a setback in the

process of achieving normalized relations between the two countries.

The Group of 77 and China reiterates its commitment to the purposes, principles and spirit of the Charter of the United Nations, particularly the principles of sovereign equality of States, non-intervention and non-interference in their internal affairs, as well as the freedom of international trade and navigation. We believe that it is the duty and responsibility of every Member State to strictly comply with those principles. We are also of the view that any policy or action that disregards those principles — in this case, the unilateral economic sanctions against Cuba — should be seriously considered for immediate repeal.

Given that the embargo by the United States against Cuba has continued for more than 50 years, the Group of 77 and China expresses deep concern about the prolonged negative effects that the economic sanctions and travel restrictions have had on Cuba and its people. From April 2016 to June of this year, the impact of the United States embargo on Cuba's foreign trade amounts to more than \$4 billion. Limited foreign investment and difficult access to development credits translate directly into economic hardship and humanitarian impacts for the people of Cuba.

The country's socioeconomic reforms have also been hampered by the cruel embargo. The Group of 77 and China fears that if the economic sanctions continue, Cuba's potential for development in both the economic and human development spheres will be unjustly undermined. It will be impossible for Cuba to successfully embark on the path towards sustainable development, as envisaged in the 2030 Agenda for Sustainable Development, for which all Member States have pledged their support.

Over many decades, Cuba has extensively and continuously contributed to the international community, particularly through its remarkable supply of medical assistance to countries in need. Cuba's emergency assistance to African countries that were affected by the Ebola virus in West Africa is a great example of its solidarity with the international community. Therefore, the Group of 77 and China commends Cuba's contributions to humanitarian assistance and would like to express the hope that with the permanent lifting of the embargo by the United States, Cuba will be granted the opportunity that it has long deserved to fully cooperate with the global

community and international organizations with respect to, inter alia, health, the environment and agriculture.

To conclude, the Group of 77 and China would like to reiterate its strong support for the implementation of the recommendations of resolution 71/5. We would like to reiterate our call for the ending of the economic, commercial and financial embargo imposed by the United States of America against Cuba. The urgency and necessity of our call is further highlighted by the ongoing global collective endeavour to implement the 2030 Agenda for Sustainable Development. Therefore, the Group of 77 and China would like to appeal to the international community to further step up its efforts in support of the lifting of the embargo, not only for Cuba's prospects, but also for the full achievement of economic and social development of all members of the entire global community as a whole. That is the declaration of the Group of 77 and China.

The Acting President (*spoke in Spanish*): I would like to propose that the list of speakers on the current topic be closed, in view of the large number of delegations inscribed on the list.

It was so decided.

Mr. Gafoor (Singapore): Before I make my formal statement, I wish to express, on behalf of my delegation, our condolences to the Government and the people of the United States of America for the loss of lives sustained as a result of the terrible terrorist attack in New York yesterday, which we condemn in unequivocal terms.

I also welcome the Minister for Foreign Affairs of Cuba and his delegation to New York. It is a pleasure to see him again in our midst.

I have the honour to address the General Assembly, on behalf of the States members of the Association of Southeast Asian Nations (ASEAN), to express our support for the draft resolution on ending the economic, commercial and financial embargo imposed by the United States of America against the Republic of Cuba (A/72/L.2). The General Assembly has consistently adopted this annual text by an overwhelming majority since it was first introduced in 1992. ASEAN member States have voted unanimously in favour of the resolution for the past 16 years, and this marks the third year that ASEAN has made a statement in the Assembly calling for the unilateral embargo against Cuba to be lifted as soon as possible. It is our firm belief that differences between States should

be resolved through engagement and inclusion, not confrontation and isolation. That would be in concord with the fundamental principles of sovereign equality, non-interference and non-intervention, as enshrined in the Charter of the United Nations.

ASEAN welcomes the restoration of diplomatic relations between Cuba and the United States in 2015. That was an important step towards the normalization of bilateral relations and remains key to building better regional relations in the Americas. A more important step will be for the United States to end its economic, commercial and financial embargo on Cuba. That would significantly improve the quality of life and living standards of the Cuban people and contribute to the economic and social development of Cuba.

Bringing an end to the embargo would also advance the Assembly's efforts towards achieving the inclusive 2030 Agenda for Sustainable Development.

ASEAN encourages the United States and Cuba in their efforts to chart a new way forward. We recognize that much remains to be done. We encourage the United States and Cuba to remain committed to an open and constructive dialogue, underpinned by mutual respect. ASEAN joins the other members of the Assembly in reiterating our support for the lifting of the unilateral embargo against Cuba as soon as possible.

Mr. Escalante Hasbún (El Salvador) (*spoke in Spanish*): I wish to begin my statement by greeting Mr. Bruno Eduardo Rodríguez Parrilla, Minister for Foreign Affairs of Cuba, and his delegation and to welcome them to this House of ours.

I have the honour to speak on behalf of the Community of Latin American and Caribbean States (CELAC).

CELAC once again welcomes the steps taken in 2015 and 2016 by Cuba and the United States of America to commence the normalization of their diplomatic relations. That marked the beginning of a new chapter in the history of peace and coexistence among the American nations. However, we regret that the blockade remains a reality for the Cuban people. It is undeniable that it is the main obstacle to the normal development of Cuba. The report of the Secretary-General (A/72/94) confirms the cost of this policy for the country, as it causes considerable and unjustifiable harm to the well-being of the Cuban people and is contrary to the wishes for peace of the Latin American peoples, as enshrined

in the Proclamation of Latin America and the Caribbean as a Zone of Peace.

We also deplore the new policy announced by the current United States Administration that is intended to strengthen the economic, commercial and financial blockade against Cuba. It is a setback in the process of normalization of bilateral relations between the two countries. The economic, commercial and financial blockade imposed on Cuba is contrary to the letter, spirit, purposes and principles of the Charter of the United Nations and international law.

CELAC reiterates its firm rejection of the application of laws and measures that are contrary to international law, such as the Helms-Burton Act, including those with extraterritorial effects, as well as of the increasing harassment of Cuba's international financial transactions, in disregard of the political will of the international community. We therefore urge the Government of the United States of America to stop implementing them. The United States Congress has the authority to end the Cuban embargo completely. Moreover, it has been demonstrated that the President of the United States, if he so wishes, may use his broad executive powers to substantially amend the application of the blockade.

CELAC reiterates its special declaration on the need to put an end to the economic, commercial and financial blockade of the United States against Cuba — adopted at the fifth Summit of the Community of Latin American and Caribbean States, held in Punta Cana, Dominican Republic, on 25 January 2017 — by which the Government of the United States of America was requested to fulfil the successive resolutions adopted by the General Assembly and, in response to the repeated calls from the international community, to put an end to the economic, commercial and financial blockade it maintains against Cuba.

We believe that the return to the Republic of Cuba of the land occupied by the United States naval base in Guantanamo, which has been repeatedly requested by the Cuban people and Government, should be an important element in the process of the normalization of relations between the two countries, by means of a bilateral dialogue that adheres to international law.

The Charter of the United Nations enshrines laws, obligations and principles that have become part of the legal heritage, not just of international law but of humankind. It should not be violated or abused

by any Member State. Member States should adjust their national and international actions to the rights, obligations and principles enshrined in the Charter.

In 2015 and 2016, resolutions 70/5 and 71/5, on this item, were both adopted with 191 votes in favour, confirming the near universality of this cause.

For all those reasons, the Community of Latin American and Caribbean States will once again decisively support the adoption of draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (A/72/L.2). We emphasize the inconsistency of the application of coercitive unilateral measures that are not supported by international law or by the letter, the spirit and the purposes and principles of the Charter.

We reiterate our call on the United States to accept the call of the countries of Latin America and the Caribbean, of every region of the world and of its own people to put an end once and for all to the unjust embargo against the Republic of Cuba.

Ms. King (Saint Vincent and the Grenadines): First, allow me, on behalf of my delegation, to join others in condemning the terrible terrorist act that took place in lower Manhattan yesterday. Our condolences go out to the families who lost loved ones, and we stand in solidarity with the United States of America, Argentina, Belgium and the entire international community as together we continue to fight this scourge.

I have the honour to address the General Assembly on behalf of the 14 States members of the Caribbean Community (CARICOM) in the presence of the honourable Foreign Minister of Cuba.

CARICOM aligns itself with the statements made earlier by the representatives of Ecuador, on behalf of the Group of 77 and China, and of Saint Vincent and the Grenadines, on behalf of the Community of Latin American and Caribbean States, as well as that to be delivered on behalf of the Non-Aligned Movement.

Four States members of CARICOM — Barbados, Guyana, Jamaica and Trinidad and Tobago — established diplomatic relations with Cuba on 8 December 1972 in an independent, sovereign act in the face of strong opposition from their traditional ally, the United States of America. Jamaica and Trinidad and Tobago had become independent nation States in 1962, and Barbados and Guyana in 1966. As the other eight anglophone

Caribbean countries acceded to independence, they all followed the original four in establishing and building excellent relations with Cuba: Antigua and Barbuda, Bahamas, Belize, the Commonwealth of Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. Suriname and Haiti, the two non-anglophone Caribbean nations with membership in CARICOM, had established diplomatic relations prior to their membership in this regional body.

The States members of CARICOM have maintained close relations with Cuba throughout the years of their independence, and that relationship has been strengthened through a wide range of programmes of cooperation in areas that include trade, health care, infrastructure and human resource development. In 2015, the international community adopted the 2030 Agenda for Sustainable Development, which sets Goals that guide the creation of the future that we want and which aims at leaving no one behind. Our future regional development is in many ways reliant upon our collective advancement and progress. The blockade works contrarily to those aspirations to achieve the Sustainable Development Goals.

Striving for peace and the right to development have been the deepest concerns of each member of our Caribbean Community since gaining independence. In that context, we view the embargo not just as a punitive act against Cuba, but as an impediment to our shared regional development.

The General Assembly has adopted a resolution on this item each year since 1992, condemning the ongoing impact of the embargo and declaring it to be in violation of the Charter of the United Nations and international law. The Assembly's seventy-first session marked a milestone, when not a single Member State voted against resolution 71/5, calling for a definite end to the unilateral decision that has proved to be an untenable, unnecessary and undesirable fissure in our hemispheric family. Opposition to the policy is now almost universal. Citizens across the United States are joining the international community by increasingly voicing their disapproval and calling for the lifting of the unilateral sanctions. Today, 73 per cent of Americans and 63 per cent of Cubans living in the United States support the lifting of the blockade.

Yet, on 16 June the current President of the United States announced the strengthening of the economic, commercial and financial blockade against Cuba as

a key component of his policy towards Cuba. That was reaffirmed in his address to the United Nations in September, during the general debate of the General Assembly at its seventy-second session (see A/72/PV.3). With its policy against Cuba, the new Administration will reverse the progress achieved since the former President announced, on 17 December 2014, the re-establishment of diplomatic relations and the beginning of a process to normalize bilateral ties.

In the light of that disappointing reversal, the Caribbean Community wishes to reiterate to the General Assembly, as we did during the general debate in September (see A/72/PV.23), our unequivocal commitment and unceasing call for an end to the economic, commercial and financial embargo against Cuba. We remain fully committed to the purposes and principles of the Charter of the United Nations, particularly to the principles of the sovereign equality of States, non-intervention and non-interference in their internal affairs and freedom of trade and navigation.

CARICOM enjoys friendly relations with both Cuba and the United States. The two neighbours — a mere 90 miles apart — have produced great scholars, scientists and great global leaders. The two countries possess proud and noble histories and are populated by friendly, open and loving peoples. The progress achieved in 2015 and 2016 has shown that Cuba and the United States can live together, respecting their differences, and that they are able to cooperate for the benefit of the two countries and peoples.

Therefore, CARICOM remains optimistic that there will be a diplomatic solution to the long-standing issue, which is now a mere relic of the Cold War. To that end, CARICOM consistently supports subregional, regional and international efforts to promote constructive dialogue to bring about the cessation, sooner rather than later, of the economic, commercial and financial embargo against Cuba. It is within that context that the 14 States members of the Caribbean Community unstintingly support draft resolution A/72/L.2, on the necessity of ending the economic, commercial and financial embargo by the United States of America against Cuba.

Mr. Tanoh-Boutchoue (Côte d'Ivoire) (*spoke in French*): I have the honour to make a statement on behalf of the States members of the Organization of Islamic Cooperation (OIC). But first let me express the solidarity and compassion of the member States of

OIC to the United States of America in the wake of the terrorist attacks yesterday here in New York.

I warmly welcome Mr. Bruno Eduardo Rodríguez Parrilla, Minister for Foreign Affairs of the Republic of Cuba, who is present here today.

A year ago, almost to the day, the United States Administration, through the voice of its Permanent Representative to the United Nations, chose, for the first time since 1992, to abstain in the voting during the consideration of the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (see A/71/PV.32). That decision of the Permanent Representative gave rise to hope in the international community in general and in the member States of OIC in particular, hope based on the positive evolution of relations between the United States and Cuba initiated by the American President at the time. It was illustrated, *inter alia*, by the reopening of the respective embassies of the two countries, in Washington, D.C., and in Havana, the restoration of commercial flights between the two States and the visit of the former American President to Cuba in March 2016.

Despite the positive development initiated by the American presidency with a view to gradually normalizing relations between the United States and Cuba, the American economic embargo — which constitutes the central pillar of sanctions against Cuba — remains. That situation is a source of serious concern, not just for Cuba, but also for a large part of the international community, including the member States of the Organization of the Islamic Conference. The concern of the OIC is justified in view of the decision taken last June by the new United States Administration to cancel, with immediate effect, the agreement between Washington and Havana under the previous American Administration.

Through this statement, the OIC member States reaffirm their opposition to the economic, commercial and financial embargo imposed by the United States against Cuba more than 50 years ago, which, it would seem, did not have the desired effect. On the contrary, it created international solidarity around Cuba, which has been demonstrated in recent years by massive votes to lift the embargo by almost every State Member of our Organization. The latest vote in the Assembly, in 2016,

resulted in 191 votes in favour and 2 abstentions (see A/71/PV.32).

In a world firmly focused on globalization and the opening of markets to international trade, States members of the OIC, while concerned about the statements of the new Administration of the United States of America that are bringing recent developments into question, underscore that the commercial and financial embargo imposed on Cuba remains one of the main obstacles to the economic and social development of that country.

When, at the initiative of the United Nations, the international community has embarked on a new development programme with a view to 2030, the OIC member States consider that the time has come to lift the embargo against Cuba so as to enable that country and its people to benefit fully from the implementation of the Sustainable Development Goals in order to ensure that no one is left behind. In that perspective, the OIC member States very firmly support draft resolution A/72/L.2, entitled "Necessity of lifting the economic, commercial and financial embargo imposed by the United States against Cuba", and call on States Members of the United Nations to vote overwhelmingly in favour of it, as they did last year.

Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): It is an honour for the Bolivarian Republic of Venezuela to speak on behalf of the Movement of Non-Aligned Countries.

First, we would like to pay our respects and offer a very warm welcome to His Excellency Mr. Bruno Rodríguez Parrilla, Minister for Foreign Affairs of the Republic of Cuba. We would also like to express our gratitude for the report by the Secretary-General on this very important issue (A/72/94).

Over the past 26 years, the General Assembly has every year expressed its resounding support for and solidarity with the people and the Government of Cuba through its decisive support for the resolution calling for the lifting of the embargo imposed by the United States of America against that sovereign country. Last year, 191 States Members of the Organization voted in favour of the resolution (resolution 71/5).

The Movement of Non-Aligned Countries takes this opportunity to reiterate its full opposition to the enactment and imposition of unilateral coercive measures, given their extraterritorial implications and

illegal nature. Likewise, the Movement of Non-Aligned Countries has on several occasions repeated its call on the Government of the United States of America to put an end to the economic, commercial and financial embargo imposed against Cuba more than 55 years ago, which is unilateral and illegal. The embargo — apart from violating international law, the Charter of the United Nations and the norms and principles that govern peaceful relations among States — is also a violation of Cuba's right to fully interact with the international community.

The Movement of Non-Aligned Countries has historically taken a position of principle in rejecting unilateral coercive measures, particularly those used as instruments of political or economic and financial pressure against States, particularly against developing countries. Those positions were reaffirmed recently, when on 20 September, at the meeting of the Ministers for Foreign Affairs of the Movement held under the theme "Promulgation and implementation of unilateral coercive measures, in violation of international law and the human rights of the peoples subjected to them", adopted the Political Declaration of New York.

The embargo against Cuba is a perfect example of the adverse effects of unilateral coercive measures affecting the welfare of peoples, impeding the full enjoyment of their human rights. The direct and indirect harm inflicted by this undeserved embargo against Cuba is vast. It affects all crucial sectors of the Cuban economy, including public health, nutrition and agriculture, as well as banking, trade, investment and tourism. It also denies Cuba access to markets, aid from international financial institutions and technology transfers, and it creates obstacles to the socioeconomic development of the country. Further, the embargo is the main obstacle to wider access to the Internet, the exchange of ideas and the development of cultural, sports and scientific relations.

The continuation of the embargo is completely unjustifiable and is inappropriate for our times. It also runs counter to Cuba's efforts to attain sustainable development, including the Goals established in the 2030 Agenda for Sustainable Development. The economic hardship affecting the Cuban people caused by the application of the economic, financial and commercial blockade imposed by the United States of America against Cuba amounts to \$822 billion, taking into account the depreciation of the dollar with respect to the gold price in the international market. At current

prices, over the years, the blockade has caused damages of more than \$130 billion.

The Movement of Non-Aligned Countries believes the establishment of diplomatic relations between Cuba and the United States of America to be a positive first step in the process towards the normalization of bilateral relations. At the same time, it is appropriate to point out that the implementation of the blockade against Cuba has not changed. Even some progress in the normalization of bilateral relations between the two countries is now threatened, as is demonstrated by the new policies established in June 2017 by the current President of the United States of America, acting to strengthen the embargo against Cuba.

Moreover, although regulations were issued on 15 January 2015 by the Department of Commerce and the Treasury that amounted to steps in the right direction in areas such as travel to Cuba, telecommunications and remittances, those have had a limited scope and modified only some aspects related to the implementation of the blockade. Despite the historic decision of former United States President Barack Obama to notify the United States Congress of his decision to remove Cuba from the so-called list of States sponsoring international terrorism — a unilateral and illegal list that should never have included Cuba — we have seen no greater flexibility regarding all of the complexities of the prohibitions and restrictions that stem from the laws and regulations of the blockade against Cuba.

In the light of all this, the Movement of Non-Aligned Countries reaffirms its call for an end to the economic, commercial and financial blockade imposed by the United States of America against Cuba, as reiterated by the Heads of State and Government of the Movement during the seventeenth summit, held on Venezuela's Margarita Island, in September 2016.

The fact that 191 States Members of the Organization voted in favour of resolution 71/5 last year is an expression of unanimity in the international community, demanding an end to the 55-year-long embargo and full adherence to the principles and purposes enshrined in the Charter of the United Nations and to the norms of international law, including the principles of mutual respect and non-interference in the internal affairs of States. At present, more than 190 nations are economically and politically involved with Cuba, while the United States of America remains

alone in implementing its policy of unjustified and illegal economic sanctions.

Consequently, the States members of the Movement of Non-Aligned Countries once again urge the Government of the United States of America to yield to the overwhelming will of the international community and rectify its failed policies in full compliance with all the pertinent resolutions of this General Assembly. That requires the immediate and full end of the embargo imposed on Cuba.

The Movement of Non-Aligned Countries, while reiterating its commitment to the promotion, preservation and strengthening of multilateralism, reaffirms that full respect for the purposes and principles of the Charter of the United Nations is an essential element for the effective maintenance of international peace and security. That is why the international community must continue working together to reverse and eliminate unilateral coercive measures, including the economic, commercial and financial blockade imposed by the United States of America against Cuba, given, *inter alia*, its illegal character.

I now wish to make the following statement in my national capacity.

The Bolivarian Republic of Venezuela reiterates its unequivocal support for the principles of State sovereignty and non-interference in the internal affairs of any country. For us, respect for the Charter of the United Nations and international law is an obligation we have assumed within the Organization, and we can entertain no double standards or biased interpretations.

The blockade against the sister Republic of Cuba and its people is not only illegal and in violation of the fundamental principles of the United Nations, but also constitutes a criminal act of continued aggression by the strongest Power on the planet against another State. This savage and disproportionate act in contemporary history has gone on now for 55 years as the most abject expression of contempt against the fundamental rights of an entire people — the Cuban people.

The blockade against Cuba is as illegal as it is futile in its ridiculous desire to shake the unwavering decision of the Cuban people to build their own destiny and refuse to be a colony or a country under any foreign Power. It fails to recognize the deeply patriotic and revolutionary character of the people of Martí and Fidel and their

unequivocal decision to build socialism, a new society according to their own interests and characteristics.

Amid the hostility of the United States and all kinds of difficulties and hardships caused by the criminal blockade, Cuba has managed to stand for more than five decades as a moral and political reference point for the world. Although it has few resources, that sister nation has always offered solidarity and assistance to all peoples, always extending its hand and support without conditions to countries that need it to fight poverty or that need humanitarian assistance because of natural disasters and epidemic outbreaks such as Ebola and cholera.

On the other hand, the noble Cuban people have played a fundamental role fighting colonialism and apartheid for the liberation of peoples. The peoples of Africa, Asia, Latin America and the Caribbean can bear witness to that solidarity and commitment to the cause of mankind. That is why we will vote overwhelmingly in favour of draft resolution A/72/L.2, condemning the blockade against Cuba.

Venezuela once again calls on the Government of the United States to put an immediate end to the policy of economic, commercial and financial blockade against Cuba. Likewise, we categorically reject the recent actions of the United States Administration that seek to reverse the process of normalizing relations between the two countries that began a few years ago. That is the reaffirmation of interventionist policy and American interference in our region, which has a long and sad history of coups d'état, invasions and destabilization. It is a policy of walls, sanctions and aggression that threatens the peace and security of our region.

Our country has also been attacked by the United States. It imposes sanctions on us and destabilizes us. However, our people will be able to defend their sovereignty and revolution. We want Cuba to know that Venezuela and our people stand with it. We shall honour our friendship and solidarity. The United States hopes to undermine our loyalty to Chávez and admiration for Fidel, and our conviction regarding socialism. It wants to bend the will of our people, and that explains the blockade, the sanctions, the lies and all kinds of attacks. The United States is mistaken — we are the sons of Bolívar and Martí, and we will win.

Mrs. Haley (United States of America): I want to start by expressing our condolences to our brothers and sisters in Argentina and Belgium, whose citizens

numbered among the victims in the terrorist attack in New York City. While our hearts are broken, our resolve is strong. They hit our city, where we all come together and work together, but we always have to be strong enough to let them know terrorism will not win. If we stand together, we will once and for all defeat the evil. We thank everyone for the condolences, support and good wishes sent our way, which we certainly appreciate.

For more than 55 years, the Cuban regime has used this debate in the General Assembly as a shiny object to distract the world's attention from the destruction it has inflicted on its own people and on others in the western hemisphere. Even during the Cuban missile crisis, when the Castro dictatorship allowed the Soviet Union to secretly install nuclear missiles in Cuba, the Cuban regime and its Soviet allies claimed that the real threat to peace was not the missiles aimed at America. They said that the real threat was the United States' discovery of those missiles. At the time, Adlai Stevenson, United States Ambassador to the United Nations, identified the Cuban regime's habit of pointing fingers anywhere but at itself. He said:

"This is the first time... I have ever heard it said that the crime is not the burglar but the discovery of the burglar, and that the threat is not the clandestine missiles in Cuba but their discovery and the limited measures taken to quarantine further infection." (*S/PV.1025, para. 7*)

Today, the crime is the Cuban Government's continued repression of its people and failure to meet even the minimum requirements of a free and just society. Our response has been to stand with the Cuban people and their right to determine their own future. For that, each year the Assembly's time is wasted in considering this resolution, and the United States is subjected to all manner of ridiculous claims — anything to deflect attention from the regime that is actually responsible for the suffering of the Cuban people. But the United States will not be distracted. We will not lose sight of what stands between the Cuban people and the free and democratic future that is their right. For that reason, and for the twenty-fifth time in 26 years, the United States will vote against the draft resolution under this item.

One year ago, the United States abstained in the voting on resolution 71/5, under this item. The reason given was that the continuation of the embargo was not

isolating Cuba but was, in fact, isolating the United States. It is true that we had been left nearly alone in opposition to this annual resolution. No doubt there will be some here who do not understand how we can take such opposite positions, separated by just 12 months. They will wonder how we could passively accept this resolution last year and energetically oppose it this year.

To those who are confused as to where the United States stands, let me be clear. As is their right under our Constitution, the American people have spoken. They have chosen a new President, and he has chosen a new Ambassador to the United Nations. As long as the Cuban people continue to be deprived of their human rights and fundamental freedoms and as long as the proceeds from trade with Cuba go to prop up the dictatorial regime responsible for denying those rights, the United States does not fear isolation in this Hall or anywhere else.

Our principles are not up for a vote. They are enshrined in our Constitution. They also happen to be enshrined in the Charter of the United Nations. As long as we are Members of the United Nations, we will stand for respect for human rights and fundamental freedoms that the Member States in this body have pledged to protect, even if we have to stand alone.

The draft resolution before us (A/72/L.2) aims to end the United States economic, commercial, and financial embargo against Cuba. But let us be honest about what we really see going on here. The Assembly does not have the power to end the United States embargo. It is based in United States law, which only the United States Congress can change. No, what the General Assembly is doing today — what it does every year at this time — is political theatre. The Cuban regime is sending the warped message to the world that the sad state of its economy, the oppression of its people and the export of its destructive ideology are not its fault. In the spirit of sending messages, I would like to direct the rest of my comments towards the Cuban people.

The American people strongly support their dreams to live in a country where they can speak freely, have uncensored access to the Internet, provide for their families and determine their leadership. We know that many of them have been made hopeful by the opening of diplomatic relations between the United States and Cuba. That status is not changing. Our friendship and goodwill towards the Cuban people remain as strong as ever.

What they probably do not know is that their Government responded to that gesture of goodwill not by joining in the spirit in which it was offered, but by expanding its politically motivated detentions, harassment and violence against those who advocate for political and economic freedom in Cuba. What they cannot know, because their Government will not let them know, is that there were credible reports of almost 10,000 politically motivated detentions in Cuba in 2016 alone. That is a massive increase in detentions over recent years.

We had hoped our outreach to their Government would be met with greater freedom for them. Their Government silences its critics. It disrupts peaceful assemblies, censors independent journalists and rigs the economy so that the Government alone profits. Their Government has exported its bankrupt and destructive ideology to Venezuela. It has taught the Maduro regime how to silence journalists, crack down on the political opposition and impoverish its people. Now, millions of Venezuelans join them in being denied their basic rights.

Mr. Barros Melet (Chile), Vice-President, took the Chair.

As we speak here today, their Government is busy choosing the successor to the Castro dictatorship. It is attempting to fool them into believing they have a voice by holding local and regional so-called elections. But the process they are engaged in is not freedom. The results were determined before the first vote was cast. When the United States abstained in the voting on resolution 71/5 last year, its decision was explained by saying, "we recognize that the future of the island of course lies in the hands of the Cuban people" (A/71/PV.32, p. 15). There is a casual cruelty to that remark for which I am profoundly sorry. Regrettably, as of today, the future of Cuba is not in their hands. It remains in the hands of their dictators.

The United States opposes the resolution today in continued solidarity with the Cuban people, and in the hope that they will one day be free to choose their own destiny. We might stand alone today, but when the day of freedom comes for the Cuban people — and it will come — we will rejoice with them as only a free people can.

Mrs. Nguyen (Viet Nam): Before I begin my statement, allow me, on behalf of my delegation, to express our solidarity and deepest condolences to the Governments and the peoples of the United States

of America, Argentina and Belgium for the loss of innocent lives caused by the heinous terrorist attacks in lower Manhattan yesterday, which we condemn in the strongest possible terms. Our thoughts and prayers go to the bereaved families of the victims.

I would like to extend my warmest welcome to His Excellency Mr. Bruno Rodriguez Parrilla, Minister for Foreign Affairs of Cuba. I would also like to express our deep appreciation to the Secretary-General for his comprehensive report (A/72/94) on the implementation of resolution 71/5.

Viet Nam aligns itself with the statements made earlier by the representatives of Venezuela, on behalf of the Non-Aligned Movement, and of Singapore, on behalf of the Association of Southeast Asian Nations, respectively.

Our plenary meeting today marks the twenty-sixth consecutive year the General Assembly is considering and taking action on a draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". For so many years, the Assembly has repeatedly called for the end of the United States embargo against Cuba, but we have not yet achieved the ultimate goal of the text.

The economic, commercial and financial blockade against Cuba runs counter to international law and the fundamental principles of the Charter of the United Nations, and is the most unjust and longest-lasting system of unilateral sanctions ever imposed against any country in our modern world history. It has inflicted enormous damage on all sectors of the Cuban economy and caused untold hardship for the Cuban people, preventing them from fully enjoying their human rights.

Here I would like to highlight that despite hardships caused by the blockade, the Cuban Government and people have always responded generously and in a timely manner to emergency appeals for humanitarian aid by sending doctors, medicine and equipment to many countries severely affected by epidemic diseases and natural disasters. We highly commend Cuba's great contribution to humankind and are grateful to the Cuban people.

Since 1992, when Cuba first introduced this draft resolution to the General Assembly, the support of people all over the world for the legitimate claims of the Cuban people has been ceaselessly growing. Last

year, 191 Member States voted in favour of resolution 71/5. At the general debate of the Assembly's current session in September, 37 heads of delegations spoke out against the blockade.

The restoration of diplomatic relations between Cuba and the United States in 2015 represented an important step in the right direction and brought hopes for improved relations between the two countries. However, measures recently announced by the United States Government to reinforce sanctions against Cuba are reversing the positive developments of the past two years.

It is the consistent policy of Viet Nam to oppose any imposition of unilateral embargoes and coercive measures on a sovereign State. We share the view that the continuation of the embargo against Cuba is unjustifiable. The strengthening of the blockade is a severe violation of the human rights of the Cuban people. It hinders not only the economic development of Cuba, but also international trade and the realization of the 2030 Agenda and the Sustainable Development Goals.

Therefore, today Viet Nam will vote in favour of draft resolution A/72/L.2. By voting in favour, we join the international community in calling on the United States to put an immediate end to that obsolete policy, lift the economic, commercial and financial blockade against Cuba and take positive and necessary steps towards the full normalization of relations with Cuba. An immediate removal of the blockade would be beneficial for both Cuba and the United States, as well as for peace and development in the region and the world, thereby living up to the overwhelming aspiration of the international community.

In conclusion, I wish to reiterate Viet Nam's strong support, friendship, cooperation and solidarity with the brotherly people of Cuba.

Mr. Arriola Ramírez (Paraguay) (*spoke in Spanish*): Before I begin, allow me to express Paraguay's most heartfelt condolences and solidarity to the families of the victims and to the Government and the people of the United States of America for the horrific terrorist attack that took place yesterday in New York, which we condemn.

Regarding the topic that brings us together today, Paraguay aligns itself with the statements delivered earlier by the representative of El Salvador, on behalf of the Community of Latin American and Caribbean

States, and the representative of Ecuador, on behalf of the Group 77 and China.

The Republic of Paraguay joins the voices of the States that once again, through the General Assembly, call for the end of the economic, commercial and financial blockade imposed by the United States of America against Cuba. We reject the coercive measures that contravene international law and the Charter of the United Nations, undermine the foundations of multilateralism and negatively impact relations of friendship and cooperation among States and the economic and social development of peoples. We are convinced that dialogue and direct negotiation in good faith between the parties are the appropriate ways to resolve differences and find lasting and fair solutions that enable the peaceful and respectful coexistence among the nations of the world.

Paraguay urges the United States of America and Cuba not to backtrack on the progress achieved towards the normalization of their diplomatic relations but to continue with their best efforts to put an end to the long blockade and begin a new stage of relationship based on trust, respect and mutual development.

Finally, Paraguay again supports and promotes the resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", which for the twenty-sixth consecutive occasion is before the General Assembly, and urges all Member States to support it.

Mr. Bandyopadhyay (India): Before I formally begin my statement, I would like to express my deepest condolences in connection with the victims of yesterday's brutal and heinous attack in New York, which we strongly and vehemently condemn. Our thoughts are with the families of those who lost their lives.

India associates itself with the statements made by the representative of Ecuador, on behalf of the Group 77 and China, and by the representative of Venezuela, on behalf of the Movement of Non-Aligned Countries.

We welcome the Foreign Minister of Cuba among us here today. We also thank the Secretary-General for his report (A/72/94) on the issue.

The issue of the economic, commercial and financial embargo imposed five decades ago by the United States against Cuba has now been considered annually by the General Assembly for more than two and a half decades.

The Assembly has consistently rejected the imposition of laws and regulations with extraterritorial impact and all other forms of coercive economic measures that hurt the progress and prosperity of the people around the world.

Last year, 191 Member States voted in favour of resolution 71/5, expressing their strong support for lifting the embargo. The General Assembly has also called upon all States, in conformity with their obligations under the Charter of the United Nations and international law, to refrain from promulgating and applying, and to repeal and invalidate, laws and measures that have extraterritorial effects affecting the sovereignty of other States. The continued existence of the embargo, in contravention of world opinion as expressed by the Assembly, undermines multilateralism and the credibility of the United Nations itself.

As the world's largest democracy, with abiding faith in multilateralism, India stands in solidarity with the international community in its unambiguous rejection of domestic laws that have extraterritorial impacts. Embargoes impede the full achievement of economic and social development by the population of the affected country, in particular children and women. They also hinder the full enjoyment of human rights, including the right to development, food, medical care and social services, among other things.

Successive reports of the Secretary-General, including this year's report, have established that the embargo, particularly through its extraterritorial effects, has adversely affected the Cuban people and the country's development efforts. At the same time, we would like to acknowledge the notable achievements of the Cuban people in the socioeconomic and development fields, in particular Cuba's high ranking in the Human Development Index and its achievement of several of the Millennium Development Goals.

In launching the transformative 2030 Agenda for Sustainable Development, world leaders have again strongly urged all States to refrain from any unilateral economic, financial or trade measures that are not in accordance with international law and the Charter of the United Nations. The continuation of the embargo would severely affect Cuba's ability to implement the comprehensive 2030 Agenda. Cuba's expertise in health care, achieved despite such conditions, enabled it to respond quickly, effectively and on a large scale to

the call made by the General Assembly three years ago to all nations to respond to the Ebola crisis in Africa.

People-to-people contact holds immense possibilities for fostering better understanding between the two nations. The international community should step up its efforts to promote an environment free from sanctions and embargoes. India hopes for the withdrawal of the embargo as soon as possible. India supports draft resolution A/72/L.2, submitted by Cuba.

Mr. Llorenty Soliz (Plurinational State of Bolivia) (*spoke in Spanish*): Before I begin my statement, let me say that Bolivia would like to join those expressing their solidarity with and condolences to the peoples of the United States, Argentina and Belgium following the terrible attack that took place some hours ago in this city.

At the outset, Bolivia welcomes the presence among us of Comrade Bruno Rodríguez Parrilla, Minister for Foreign Affairs of Cuba, and of his delegation.

The report of the Secretary-General (A/72/94) once again highlights the worldwide rejection of the economic, trade and financial blockade arbitrarily and unilaterally imposed by the United States of America against the Cuban people and the entire international community. That blockade affects international cooperation. It affects health, nutrition, education and culture in Cuba. It affects Cuba's foreign trade and foreign investment. It also has financial and banking implications with regard to construction, tourism, transport, civil aviation and industry.

The blockade is an example of the unilateral way in which the United States acts in the world. Despite the comprehensive blockade, Cuba is an example of social development, cooperation and solidarity.

The United States is unilaterally imposing an unjust, unlawful, immoral embargo. It is imposing an extraterritorial embargo that contravenes the purposes and principles of the Charter of the United Nations. The United States is imposing an embargo that violates the principles of sovereignty, non-intervention in internal affairs, free trade and navigation. The United States is imposing an embargo that seeks to undermine the right of the Cuban people to self-determination and the efforts of their Government to combat poverty and inequality.

I want to take this opportunity to recall the words of Nelson Mandela, who told us:

"During all my years in prison, Cuba was an inspiration. The victories of Cuba destroyed the myths of the invincibility of the white oppressor. They inspired the struggling peoples in South Africa at a key moment in the fight for the liberation in South Africa of our people from the apartheid regime. What country other than Cuba could point to a record of services of such generosity and solidarity with the causes of liberation in Africa? Cuba was an example of dedication and service to others."

I wish to reiterate that last phrase of Nelson Mandela: Cuba was and is an example of dedication and service to others.

They want to teach us lessons about democracy. Those who turn their backs on international law want to teach us about democracy. Those who believe that multilateralism is a theatre want to come and give us lessons on democracy. Those who organize coups d'état and who interfere in our political processes with absolute impunity want to come give us lessons about democracy. They also want to give us lessons on human rights — those who promote and have promoted torture want to teach us about human rights. Those who have turned the Guantanamo naval base into an illegal prison want to teach about human rights. Those who want to teach us about human rights have secret prisons and detention centres spread throughout the world. They want to come give us classes on multilateralism, those who do not believe in science or that climate change is brought about by human action.

They want us to believe that they are exceptional. Talk about exceptionalism is not only dangerous and offensive. It is not only injurious to the purposes of the Charter of the United Nations and of the Organization, it also demonstrates, as President Morales Ayma himself says, the arrogance of a Government that opposes all peoples. The Government of the United States is not exceptional, although it is unique. That Government is responsible for that genocidal embargo, unprecedented in the history of humankind. It is unique in that it does not respect international law. It is unique in that it is not interested in multilateralism. It is unique because it acts with the most blatant impunity.

It is time for the Assembly and for the United Nations to enforce the decisions we have taken. Bolivia once again resolutely supports the resolution before the Assembly. However, we wish to express our gratitude

for the tremendous solidarity that has saved hundreds of thousands of lives in my country: the solidarity of the Cuban people. That solidarity is evident not only in my region but also throughout the world. When Ebola struck African countries, Cuba was there. When hurricanes struck our brothers in the Caribbean, Cuba was there. When illiteracy struck my country, Cuba was there, in the most remote places, with its medical staff — more than 50,000 medical staff throughout the world. However, even more important, Cuba stands as an example with its dignity and its unwavering strength.

Bolivia requests, urges and demands that the blockade be lifted.

Mr. Awad (Egypt) (spoke in Arabic): At the outset, I would like to express our condolences to and solidarity with the peoples and the Governments of the United States, Argentina and Belgium for the tragic incident that took place in New York City yesterday.

My delegation aligns itself with the statements delivered earlier by the representatives of Ecuador, on behalf of the Group of 77 and China; of Venezuela, on behalf of the Movement of Non-Aligned Countries; of Côte d'Ivoire, on behalf of the Organization of Islamic Cooperation; and of Gabon, on behalf of the Group of African States. Allow me to add the following remarks in my national capacity.

It is a pleasure for me to welcome Mr. Bruno Rodríguez Parrilla, the Minister for Foreign Affairs of Cuba, and to express to him once again the perennial and full support and solidarity of Egypt with the people and Government of Cuba.

The unilateral policy imposed by the United States of America against Cuba has had implications for the economic and social lives of the Cuban people, as well as for their livelihoods. It has had an adverse impact on the Cuban people's access to food, medicine, education and advanced technology. The unilateral blockade has had a negative impact on the critical sectors of the Cuban economy. The manifestations of the blockade, which has been in place for more than five decades, affect Cuba's ability to implement the 2030 Agenda for Sustainable Development, along with its Goals and targets. The blockade runs counter to the commitment undertaken by Member States to leave no one behind, which constitutes the bedrock of our collective action.

Egypt will continue to advocate for the rights and demands of the Cuban people. We call for the full and

complete lifting of the coercive measures that have been imposed by the United States against Cuba since the 1950s. We hope that the parties will capitalize on the positive steps and developments that took place in 2016 as a prelude to the normalization of relations between the two countries.

Egypt supports the immediate lifting of the blockade imposed on Cuba, and we reiterate that continuing to insist on a historical mistake for years will never make it the right thing to do.

Mr. Boukadoum (Algeria): Yesterday in lower Manhattan, a few blocks away from United Nations Headquarters, a horrendous terrorist attack caused too many victims. We of course strongly condemn that attack, and we pay tribute to the victims and express our sympathy to our colleagues from the United States, Argentina and Belgium. It is high time to regroup, to fight this scourge, and we need everyone on board. That is precisely why this debate is taking place in this particular context.

While members of the international community unanimously welcomed in the Assembly the positive developments between Cuba and the United States over the past couple of years, hoping that those steps would pave the way towards the normalization of the bilateral relations and the eventual lifting of the embargo imposed on Cuba, we sadly realize that this embargo not only remains in place but has been strengthened.

Africa has spoken up, as have the Non-Aligned Movement (NAM), the Organization of Islamic Cooperation and even the Group of 77, with which of course we align ourselves. Algeria will continue to speak up and state its stance to its friends. And, because we are friends, frankness is our duty. We therefore reiterate our stance about the continuation of the economic, commercial and financial embargo that has been unilaterally imposed against Cuba for more than five decades. Those sanctions, which we consider unjustified, not only exacerbate the sufferings of the Cuban people but obstruct the economic development of Cuba and hamper its efforts to achieve sustainable development, including the Goals set in the 2030 Agenda for Sustainable Development.

Mr. Llorenty Solíz (Plurinational State of Bolivia), Vice-President, took the Chair.

The annual adoption by an overwhelming majority of the members of the General Assembly of a resolution

calling for the lifting of the blockade against Cuba is a message not to be ignored, for it reflects the strong wish of the international community. Let me recall that Algeria has always stressed that Cuba, like any other Member State, has the right to freedom of trade and navigation and to expand trade on a mutually agreed basis with any economic partner. Algeria also fully shares the NAM position that has regularly rejected the imposition of unilateral acts or extraterritorial regulations that impede the development of any country, and all forms of coercive economic and trade measures. That position reflects our principles of foreign policy.

Algeria considers Cuba to be more than just a friend who stood by us in dire times. Cuba has done that in many parts of the world. In that regard, I would like to acknowledge the commitment and undeniable expertise of the Cuban doctors, which has always been demonstrated well beyond their borders. For example, when many hunkered down, Cuban doctors went to fight the Ebola crisis in Africa. They did it on our behalf and for the sake of the whole international community with no payback whatsoever.

Today more than ever, it is important to rebuild the momentum and move on the positive achievements made so far in the relations between Cuba and the United States. In engaging in a constructive and respectful bilateral dialogue in full respect of the principles of international law and the Charter of the United Nations, we will certainly chart a new way forward for the full normalization of relations between Cuba and the United States, leading to the lifting of the long-standing, unnecessary embargo for the mutual benefit of the peoples of both countries and the whole region and beyond, throughout the world.

Mr. Nebenzia (Russian Federation) (*spoke in Russian*): I would like to begin, as other delegations have before us, by expressing our heartfelt condolences to the people of the United States, to the families of the people who lost their lives, and to the American citizens in the wake of the heinous, fatal and senseless act of terror yesterday. Our condolences also go to Argentina and Belgium, which also lost citizens as a result of the terror attack.

We thank the Secretary-General for preparing the report on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba (A/72/94).

The position of the Russian Federation on the actions of the United States remains consistent and unchanged. In solidarity with the overwhelming majority of the members of the international community, we strongly support the urgent abolition of the United States blockade against Cuba, introduced almost 60 years ago, in all its manifestations. The embargo against Cuba is not only a relic of the past, but a glaring example of gross interference in the internal affairs of a sovereign State through sanctions, hindering that State's socioeconomic development and infringing on the legitimate interests and rights of its citizens to a decent life, thereby embodying a policy that is contrary to human rights and humanitarian values.

We believe that such discriminatory practice is counterproductive, unjust and senseless. We regard it as a challenge to the entire system of international relations, as it undermines the basis for regional and global stability and normalizes the use of sanctions. The long-term pressure on Cuba by the United States is having a destructive effect on the process of Havana's full-scale integration into the global financial and economic architecture and on Cuba's ability to achieve the Sustainable Development Goals.

We saw it as a positive when the United States decided to abstain in the voting on resolution 71/5, on 26 October 2016 (see A/72/PV.32), as that reflected the emerging general pivot of the United States stance towards Cuba. However, the full-fledged recovery of the relations between Cuba and the United States never took place, following the arrival of the new Administration in Washington, D.C. On the contrary, we are now witnessing clear regression: stagnation in movement on issues that are fundamentally important for both countries, growing tensions in inter-State relations and the general deterioration of ties that were being established between the two countries.

Today, we again hear hostile rhetoric in the spirit of the Cold War. Instead of trying for normalization, a course of action has been set to tighten the blockade and increase political pressure on the Cuban leadership under far-fetched pretexts. Both chambers of the Federal Assembly of the Russian Federation addressed an appeal to the General Assembly and to the parliaments of States Members of the United Nations condemning that course of action. The texts of those statements have been circulated as General Assembly documents under agenda item 42.

Given the current situation and in accordance with its principled stance, the Russian Federation will vote in favour of draft resolution A/72/L.2, calling for the full ending of the blockade on the basis of the fundamental principles of the Charter of the United Nations, such as the non-infringement of national sovereignty, non-interference in the internal affairs of sovereign States and the need to resolve disputes by peaceful means in a way that does not jeopardize international peace, security and justice.

Ms. Mejía Vélez (Colombia) (*spoke in Spanish*): I join in the expression of condolences to the Government and people of the United States for the despicable terrorist attack that took place in New York, the home of this Organization's Headquarters, and I extend my condolences to Argentina and Belgium for the citizens of those countries who were killed in the attack.

Colombia welcomes the presence of the Minister for Foreign Affairs of the Republic of Cuba, Bruno Rodríguez Parrilla, and his entire delegation. We are also grateful for the report of the Secretary-General (A/72/94), as well as the holding of today's important debate in which the membership of the United Nations will pronounce their positions on a resolution first adopted 26 years ago, in 1992: "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" (resolution 47/19).

My delegation aligns itself with the statements made earlier by the representative of Ecuador, on behalf of the Group of 77 and China; the representative of El Salvador, on behalf of the Community of Latin American and Caribbean States; and the representative of the Bolivarian Republic of Venezuela, on behalf of the Movement of Non-Aligned Countries.

As we have previously stated in this Hall, the commercial, economic and financial blockade imposed against Cuba is contrary to international law and the spirit and principles that inspire the Charter of the United Nations. Since the adoption of resolution 47/19 26 years ago, Colombia, like the whole of Latin America and the Caribbean and like the great majority of the States Members of this Organization, has expressed its unrestricted support for Cuba by voting in favour of this resolution. That decision is evidence of our stance with regard to the non-imposition of unilateral coercive measures by States and is based on international law and adherence to the principles of political

independence, the self-determination of peoples and non-intervention and non-interference in the internal affairs of other nations.

Colombia reiterates its conviction that Member States must increasingly foster relations of cooperation and friendship based on multilateralism and respect for the principle of sovereign equality, as enshrined in Chapter I of the Charter of the United Nations. That objective will undoubtedly allow us to strengthen confidence to tackle, together and with greater determination, the challenges that States face at the global level.

Mr. Matjila (South Africa): Before I deliver my national statement on behalf of the South African Government, I would like to convey our heartfelt condolences to the United States of America, Argentina and Belgium for the tragic event that took place yesterday in lower Manhattan. Our hearts and prayers go to the bereaved families and those still fighting for their lives.

We welcome the Minister for Foreign Affairs of Cuba, His Excellency Bruno Rodríguez Parrilla, to this important debate, which seeks to end the long-standing embargo.

South Africa aligns itself with the statements delivered by the representative of Ecuador, on behalf of the Group of 77 and China; the representative of Gabon, on behalf of the Group of African States; and the representative of Venezuela, on behalf of the Non-Aligned Movement.

We take note of the Secretary-General's report A/72/94, of 26 July, which describes the current state of affairs under the United States economic, commercial and financial embargo against the sister country of Cuba and its people. South Africa has also taken note of the announcement made on 16 June regarding a new United States policy towards Cuba, which signaled a shift from the reconciliation and improved relationship that had been initiated between Cuba and the United States under the Obama Administration and reaffirmed the United States statutory embargo on Cuba. I want to express our disappointment that the current United States Administration has chosen a path of regression in the normalization of relations with Cuba that reinforces the isolation of the Cuban people and further harms them.

South Africa has a long-standing position of support for the resolution on the necessity of ending the embargo against Cuba. The South Africa Parliament adopted a resolution in August 2014 calling upon the then President of the United States to lift the blockade immediately and engage Cuba more decisively. It is a position that reflects the sentiment of South Africans and the people of Africa.

We therefore urge the international community to work together to free Cuba from the political, economic, commercial and financial shackles under the embargo that the United States has imposed upon that country for more than half a century. We believe that the United States embargo was, and is, a travesty of justice, which should not continue to be in place in these modern times, particularly since the adoption of the 2030 Agenda for Sustainable Development. The adverse effects of unilateral, coercive measures by the United States on crucial sectors in Cuba — such as public health, nutrition and agriculture, banking, trade, investment and tourism — deprive the Cuban people of their basic human rights. They also hinder Cuba's well-documented efforts to achieve sustainable development, including the Sustainable Development Goals.

South Africa and Cuba enjoy solid bilateral and diplomatic relations. Our diplomatic relations over the 23 years since the dawn of democracy in 1994 in South Africa serve as a successful and exemplary model of South-South cooperation. It is a contribution to international relations and understanding. Our cooperation, supported by a set of bilateral agreements covering a wide range of areas, has a direct impact on the people of both countries. It influences their livelihood, development and understanding of one another, and it will be further enhanced once the embargo is lifted.

The unilateral and illegal total blockade of Cuba by the United States also affects bilateral trade between South Africa and Cuba, as the extraterritorial application of the sanctions on third countries has prevented South African businesses from pursuing trade and investment opportunities with Cuba. South Africa therefore joins the international community in condemning this unilateral action and calls on the United States of America to implement measures to immediately repeal those inhumane actions.

Those actions are contrary to the purposes, principles and spirit of the Charter of the United Nations, especially the principles of the sovereign

equality of States and non-interference in the domestic affairs of Member States. The severe economic and financial restrictions that are stifling the economic and social development of Cuba and thereby further exacerbating the hardships and suffering of the people of Cuba are unacceptable.

It is in that context that the Republic of South Africa reiterates its unconditional support for the implementation of this draft resolution. We appeal once again to the international community to redouble its efforts to promote a constructive and transparent dialogue between the two countries with a view to achieving the objectives of all the relevant United Nations resolutions already adopted on this matter, and to ensure the sustainable progress of the people of Cuba. We would like to request third-party countries to also support Cuba and its people by repealing all domestic laws and regulations that contribute to hampering their development.

Let us join hands together in global solidarity to end the embargo, and let us vote in support of the draft resolution to end the embargo on Cuba, as we did overwhelmingly in 2016. We cannot afford to lose this historic opportunity. Now is the time.

Mr. Wu Haitao (China) (*spoke in Chinese*): China expresses its condemnation of the attack that took place in New York City yesterday and conveys its condolences to the bereaved families of the victims and sympathy to those who were injured.

China associates itself with the statement made earlier by the representative of Ecuador on behalf of the Group of 77 and China.

In 2015 the United Nations development summit adopted the 2030 Agenda for Sustainable Development, thereby ushering in a new era for the global cause of sustainable development and charting a course for the development of all countries and international cooperation to that end. The implementation of the 2030 Agenda is the core task of the whole world in the area of development. All countries need to adhere to the principles of extensive consultation, joint contribution and benefit-sharing, and join hands in responding to challenges, creating new opportunities and seeking new drivers for development. They should use their respective advantages to help one another to achieve mutually beneficial outcomes. Given those ambitions, the economic blockade and sanctions imposed by the United States against Cuba should end immediately.

For 26 consecutive years, the General Assembly has adopted, by an overwhelming majority, the resolution entitled "Necessity of ending the economic, commercial and financial blockade imposed by the United States of America against Cuba", urging all States to abide by the Charter of the United Nations and principles of international law, and repeal or invalidate all laws and measure that have extraterritorial effects and affect the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction, and the freedom of trade and navigation.

It is regrettable, however, that for years those resolutions have not been effectively implemented and that the economic, commercial and financial blockade imposed by the United States against Cuba continues. The blockade violates the purposes and principles of the Charter and the relevant General Assembly resolutions. It has caused enormous economic and financial losses to Cuba and has impeded the efforts of the Cuban people to realize the Sustainable Development Goals, including the eradication of poverty. The blockade has undermined the rights of the Cuban people to survival and to development and has affected other countries' normal economic, commercial and financial exchanges with Cuba.

China has always advocated respect for the right of every country to independently choose its own system and path towards development and has opposed unilateral sanctions against other States by military, political, economic or other means. China has strictly observed and implemented the relevant resolutions. We have maintained with Cuba economic and trade relations and people-to-people exchanges, and our friendly and mutually beneficial cooperation in all fields is making continuous progress. That is in line with the desire of our two peoples and is conducive to the economic and social development of Cuba.

Currently, the world is undergoing great development, transformation and adjustment. Peace, development, cooperation and win-win outcomes have become the trend of our time. Exchanges and cooperation on an equal footing among countries are part of that general trend, and dialogue on an equal footing and friendly consultation represent the best way to resolve differences.

The recent restoration of diplomatic relations between the United States and Cuba was an important step towards the normalization of their relations.

China hopes that the United States and Cuba will continue to advance the process of normalization of their relationship, that the United States will comprehensively repeal its policy of blockading Cuba as soon as possible and that the United States and Cuba will develop normal relations in line with the purposes and principles of the Charter and basic norms governing international relations. That is in the common interests of both the United States and Cuba, and their peoples, and is conducive to the peace and stability of the Americas, as well as the common development of the international community.

China will once again vote in favour of the draft resolution (A/72/L.2), submitted by Cuba under this agenda item.

Mr. Sandoval Mendiola (Mexico) (*spoke in Spanish*): Mexico joins in the condolences expressed to Argentina, Belgium and the United States for the loss of their citizens, innocent victims of the criminal act of terrorism that occurred yesterday in this city. We assure them of the solidarity of the Government and the people of Mexico.

We welcome the presence of the Foreign Minister of Cuba, and we thank the Secretary-General for presenting his report on the item we are addressing today (A/72/94).

Mexico is once again participating in the discussion on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba because we are convinced that international relations should promote peace and harmony among States while also promoting the prosperity of our peoples. Regional economic growth, sustainable development and the peaceful settlement of disputes, in a context of mutual respect, are essential aspects of good-neighbourliness. With this conviction, Mexico has supported the process under way of normalizing relations between Cuba and the United States.

Mexico reiterates its rejection of the unilateral actions against the Republic of Cuba, including the imposition of the economic, commercial and financial embargo for more than five decades. That is because it is contrary to international law and goes against the basic principles that should sustain friendly and cooperative relationships between States, principles that are set out in the Charter of the United Nations and which were endorsed by the General Assembly.

Mexico issues a brotherly appeal to both Governments to find common ground through dialogue and in that way resolve their differences in a context of mutual respect and recognition of the sovereignty of both nations.

Mexico is convinced that the elimination of the economic, commercial and financial embargo will enable Cuba to modernize its social and economic model and will facilitate its access to the international financial system. It would help it to rebuild more swiftly in the wake of Hurricane Irma and would promote natural trade and investment flows in the region.

The Mexican Government is aiding the process of modernizing the social and economic model in Cuba with technical assistance, exchange of experiences and capacity-building to implement economic reforms, while recognizing that that process will generate development opportunities for Cuban society. We recognize the actions undertaken by the Government of Cuba to fulfil its international commitments on development, as social development lies at the heart of Cuba's policies, strategies and public programmes. Cuba has demonstrated a firm commitment to the 2030 Agenda for Sustainable Development.

Mexico and Cuba share a historic and deep-rooted relationship, which is why the Government of Mexico reiterates its friendship and solidarity with the Cuban people and with its desire to continue working together on matters of common interest.

Ms. Flores Herrera (Panama) (*spoke in Spanish*): Allow me at the outset to express the solidarity of the Government of Panama in the face of the tragic and irreparable loss of human lives as a result of the attack that took place yesterday in this city. We express our deepest sympathy to the peoples and the Governments of the United States of America, Argentina and Belgium. We most vehemently condemn those brutal and unjustifiable actions, which violate the integrity of human beings and the stability of the global community.

With regard to today's agenda item, I wish to extend our congratulations to Foreign Minister Bruno Rodríguez Parrilla and to the delegation of Cuba accompanying him for this discussion of draft resolution A/72/L.2.

My delegation aligns itself with the statements made earlier by the representatives of Ecuador, El Salvador and Venezuela on behalf of the Group of 77

and China, the Community of Latin American and Caribbean States and the Movement of Non-Aligned Countries, respectively. We wish to make some further comments in our national capacity.

In keeping with the historic position that we have maintained on today's issue, Panama will once again vote in favour of the draft resolution entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", for we believe that elimination of that embargo cannot be postponed any longer in order to foster the full development of the Cuban people.

As indicated in the Secretary-General's report in document A/72/94, Panama, as a founding Member of the United Nations and a State that advocates peace, maintains friendly and cooperative relations with all States on the basis of inclusion and respect for the principles of justice and international law. In that regard, Panama today retains the optimism with which, during the seventh Summit of the Americas, in 2015, we witnessed the restoration of diplomatic relations between the Governments of the United States and Cuba and with that the possibility of ending their estrangement for the benefit of both States and for our entire region.

In September in this very Hall, referring to Cuban-United States relations, President Juan Carlos Varela stated:

"As we near the next Summit of the Americas, in Lima, we must approach it with a constructive spirit and an openness to dialogue to analyse the problems of the region and uphold peace and unity across the Americas." (A/72/PV.7, p. 16)

As we once again vote in favour of lifting the economic, commercial and financial embargo against Cuba, Panama also wishes to see a renewal of the necessary dialogue between the United States and Cuba, for we believe there is an opportunity for both to continue advancing on a shared agenda. As we add our voice to those of the great majority of nations, Panama reasserts its firm commitment to multilateralism as a legitimate means to achieve the resolution of disputes between States.

The Acting President (*spoke in Spanish*): It is now a real pleasure for me to give the floor to His Excellency Mr. Bruno Rodríguez Parrilla, Minister for Foreign Affairs of Cuba, to introduce draft resolution A/72/L.2.

Mr. Rodríguez Parrilla (Cuba) (*spoke in Spanish*). On behalf of the people and the Government of Cuba, I would like to express to the people and the Government of the United States, Mayor Bill de Blasio, Governor Andrew Cuomo and other New York officials, as well as to the citizens of New York and the families of the victims in particular, our most heartfelt condolences for the terrorist act that took place yesterday afternoon. I also express our deepest sympathy to the peoples and the Governments of Argentina and Belgium.

I most vehemently condemn the disrespectful, offensive and interfering statement by the Ambassador of the United States to the United Nations against Cuba and against the Cuban Government just a few minutes ago. I remind her that the United States — where flagrant violations of human rights are committed that cause great concern in the international community — does not have the slightest moral authority to criticize Cuba, a small, united country with an extensive, recognized international record. It is the home of noble, hardworking and friendly people.

She spoke on behalf of the leader of an empire that is responsible for most of the wars being waged on the planet today, in which innocent people are murdered and which is the decisive factor in global instability and serious threats to international peace and security, trampling on international law and the Charter of the United Nations, which she just cynically invoked.

It has not been 55 years; the Ambassador of the United States erred in her first sentence. There have been 26 sessions of the General Assembly, and more than a century has passed since the origin of the events being discussed today. She is lying. She is using the same style that prevails in United States policy today. It all started before the Cuban nation even existed. When the Cuban people first rose up in armed rebellion in 1868, the appetites for annexation and domination by what was and is today United States imperialism had already been unleashed.

In 1898, using a pretext, as is characteristic of the modern history of the United States — the explosion of the ship *Maine* in a Cuban port — the United States entered as allies of the Cuban independence forces and then occupied the country as invaders and imposed the Platt Amendment, which curtailed Cuba's independence and sovereignty. Three military occupations were carried out, imposing 60 years of absolute domination, which came to an end on 1 January 1959 with the entry

of the rebel army into Havana and the triumph of the Cuban revolution, which wages the same battles today that have inspired its people for more than 100 years.

She is lying. She used a phrase attributing to a supposedly Cuban source a statement on the so-called October crisis, or the Cuban missile crisis. I invite her to tell us who her source is — who the author is — and to provide evidence. It sounds like one of the tweets that proliferate in this country in these times of hatred, division and dirty politics.

With the triumph of the Cuban revolution, the Government of the United States made regime change its objective. The policy announced by President Trump on 16 June is not new; it is the same policy, an old policy rooted in the past.

She referred to the eminent United States Ambassador Adlai Stevenson. She forgot to mention that he was the person who, deceived by his own Government, had the unfortunate duty to show, in a Security Council meeting, photographs of what were supposedly Cuban aircraft bearing the emblem of the Cuban Air Force, which on 15 April bombed the city of Havana, causing much destruction and serving as a prelude to the attack, the invasion of the Playa Girón, the Bay of Pigs. Those bombings and the involuntary lie of Ambassador Stevenson, who had been deceived by his Government, occurred even before the proclamation of the socialist character of the Cuban revolution.

She spoke about the October crisis. These days we are hearing talk of President Kennedy's assassination and the declassification of documents. The truth has been hidden from the people of the United States for too long. May all documents be declassified. But if she wants to talk about those issues, I suggest that she read the book *Trained to Kill: The Inside Story of CIA Plots against Castro, Kennedy, and Che*, by Central Intelligence Agency (CIA) agent Veciana, in which he recounts his meeting with the CIA agent David Phillips and with Lee Harvey Oswald in Dallas during the third week of September 1963. It is a history of lies and aggression, of Operation Northwoods and Operation Mongoose. Recently declassified information reveals that at that time the United States had 261,000 soldiers standing ready for direct invasion of Cuba. There were more than 700 agents at the CIA's largest base, in Florida — the CIA's largest base until it established an even bigger one in Saigon.

She uses a style reminiscent of the trial of Alice in Wonderland: sentence first, verdict afterwards.

I speak on behalf of my people, and I also speak on behalf of those who cannot call on President Trump and the Ambassador of the United States by their names, but who share my feelings and think as I do.

At least she has recognized the total isolation of the United States in this Hall and in the world. It stands alone when it comes to the embargo against Cuba. She disregards the weight of the truth and underestimates the strength of one just idea in the depths of a cave, which is more powerful than an army, as José Martí said. He wrote, in an unfinished letter that he carried close to his heart,

"Every day I am in danger of giving my life for my country and for my duty ... to prevent in time, with the independence of Cuba, the United States from extending its hold across the Antilles and falling with greater force on our lands of America."

Everything began much longer than 26 years ago — much longer than 55 years ago. Along with the military aggression, the fabrication of pretexts, plans for direct invasion, measures to strangle our economy, State terrorism, destabilization and subversion, there was a proposal in the infamous memorandum of Deputy Assistant Secretary of State Lester Mallory, which was signed on the 6 April 1960. In it, he wrote that the embargo on Cuba was created to provoke "disenchantment and disaffection based on economic dissatisfaction and hardship" by "denying money and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government."

Nonetheless, when President Raúl Castro Ruz and President Barack Obama made surprising and hopeful announcements on 17 December 2014, President Obama described the embargo as failed and obsolete, ineffective in achieving its objectives, causing harm to the Cuban people and isolating the United States Government. Later he described it as useless in advancing the interests of the United States — failed, senseless, not viable and a burden for citizens.

But the embargo was never recognized as a flagrant, massive and systematic violation of the human rights of Cubans, which the United States Ambassador cynically omitted a few hours ago, nor was it recognized as inconsistent with international law or as an act of

genocide as defined by the Geneva Convention, nor was its goal of subjugating our people renounced.

Nonetheless, the then President of the United States repeatedly stated his decision to use his executive powers and work with Congress to lift the blockade. A practical reflection of that intention was the abstention by the United States in the voting on this resolution in 2016, which the United States Ambassador has just mocked.

During that period, substantial progress was made in terms of diplomatic relations, dialogue and cooperation in areas of mutual interest and benefit. But during the past two years the embargo was maintained in all fundamental aspects, although some executive decisions were made to modify its implementation in a very limited but positive way. The way in which the use of travel licences was expanded was significant, within the legislative prohibition on travel to Cuba — which is a violation of the rights and civil liberties of students of the United States, which the Ambassador also failed to mention. Tangible results were also achieved in bilateral cooperation, to our mutual benefit, in areas as important as confronting terrorism, drug trafficking and cybercrime.

On 16 June, President Donald Trump proclaimed the embargo a fundamental axis of his anti-Cuban policy and announced a series of measures meant to reinforce it. In an antiquated, hostile speech befitting the Cold War, and before an audience composed of, among others, bitter Batista-ists, annexationists and terrorists, the United States Government returned to worn-out allegations of supposed human rights violations in Cuba to justify the tightening of the embargo. In this Hall this morning we heard his echo.

President Trump does not have the slightest moral authority to question Cuba. He leads a Government of millionaires that intends to implement brutal measures against the poor and the low-income families of this country, against minorities and immigrants. He pursues a programme that encourages hatred and division and preaches a dangerous exceptionalism and supremacy disguised as patriotism that will lead to more violence. He ignores the support of his voters — two thirds of United States citizens, as well as Cuban residents in the United States — for ending the embargo.

Current United States policies harm citizens. Corruption of policy — which has been hijacked by so-called special interests, that is, by corporate interests

and money — reigns. There are no guarantees of education, health care or social security. There are restrictions on union organizing and terrible gender-based discrimination.

Deserving of condemnation are the use of torture; murders of African-Americans by the police; the civilian deaths caused by its troops; the indiscriminate and racially differentiated death penalty; the murders, repression and police surveillance of immigrants; the separation of families; the detention and deportation of minors; and the brutal measures threatening the children of illegal immigrants who grew up and were educated in the United States. This is the Government that lost the popular vote.

The United States Ambassador has told us her dream. I prefer to repeat that of Martin Luther King, when he said:

“I have a dream that one day this nation will rise up and live out the true meaning of its creed ... that all men are created equal ... let freedom ring”.

She has come to tell us that she recognizes that the future of the island rests in the hands of the Cuban people. She is telling an absolute lie. It was never that way, throughout history. It is a history of the intent to achieve domination and hegemony over Cuba.

The announced policy aims to roll relations back to a past of confrontation to satisfy the spurious interests of extremist circles of the United States right and a frustrated and ageing minority of Cuban origin in Florida. The presidential memorandum establishing the policy towards Cuba includes, among other measures, new prohibitions on economic, commercial and financial relations between United States companies and Cuban enterprises. It also restricts the freedom to travel of United States citizens with the elimination of individual trips under the category of people-to-people exchanges and establishes surveillance measures for the rest of visitors from that country.

During the past few weeks, President Trump has on four different occasions reiterated that his Government will not lift the embargo against Cuba unless Cuba introduces changes in its domestic order. Today we reaffirm that Cuba will never agree to conditions or impositions. We remind the President and his Ambassador that that approach, which was used by 10 or so of his predecessors, has never worked and never

will. He will be one more in the account of a policy anchored in the past.

More recently, under the pretext of ailments affecting some diplomats in Havana, without the slightest evidence of their cause or origin — they lie when they talk about attacks or incidents — or without any conclusions from ongoing investigations, the Government of the United States has adopted new political measures against Cuba, which further tighten the embargo and affect bilateral relations as a whole.

Among those measures, he suspended the issuing of immigrant and travelers' visas in the Consulate in Havana, which prejudices the rights of citizens to travel freely and visit the country for short periods, as more than 163,000 Cubans have done this year. It also seriously hampers the family reunification of others under the bilateral agreement to issue no fewer than 20,000 immigrant visas every year. The requirement that travellers have face-to-face interviews at United States Consulates in third countries and for immigrants at the United States Consular Section in Bogotá will enormously increase the red tape and make it unviable for many people. We did not hear about their rights in the speeches of the United States.

One can in no way justify the harm caused to people and their families in order to pursue political objectives that are against Cuba's constitutional order. The United States Government, with the political goal of restricting travel and harming international tourism to Cuba, has also issued an unfounded and mendacious warning to United States citizens to prevent them from visiting our country.

By the unjustified expulsion of the Cuban staff working at our Consulate General in Washington, D.C. — the only one in the United States — they have seriously impaired its ability to provide services to American travellers and especially to Cubans residents here, who have the absolute right to visit and enjoy normal relations with their nation.

Likewise, the staff of our Embassy has been arbitrarily and groundlessly reduced, which has led, among other consequences, to the dismantling of its Economic-Commercial Office, with the perverse political purpose of impeding the United States business sector, which is genuinely interested in exploring the business opportunities in Cuba that still exist within the restrictive framework of the embargo regulations.

It is no surprise, having heard what the Ambassador said here, and earlier her leaders, that the President of the United States ignores the unanimous international support for the bilateral progress, now reversed, and the similar demand for the immediate, absolute and unconditional end to the embargo.

As President Raúl Castro Ruz stated on 14 July,

"We reaffirm that any strategy that seeks to destroy the revolution, whether through coercion and pressures, or resort to subtle methods, will fail ... Cuba has the will to continue to negotiate pending bilateral matters with the United States, on the basis of equality and respect for the sovereignty and independence of our country, and to continue the respectful dialogue and cooperation on matters of common interest with the American Government.

"Cuba and the United States can cooperate and coexist, respecting their difference and promoting everything that benefits both countries and peoples, but Cuba should not be expected to make concessions inherent to its sovereignty and independence ... or to negotiate its principles or accept conditions of any kind, as we have never done so before in the history of the revolution".

Today, for the twenty-sixth consecutive time, Cuba is presenting to the General Assembly the draft resolution (A/72/L.2) entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba". At the present time, that text has special relevance, given the setback from the actions taken by the new United States Administration against Cuba.

The embargo is the greatest impediment to the economic and social development of our country and to the implementation of the national plan in accordance with the 2030 Agenda for Sustainable Development. It is the main obstacle to the development of Cuba's economic, commercial and financial relations with the United States and the rest of the world. According to figures very carefully calculated by Cuban institutions, between April 2016 and April 2017 the embargo caused losses to the Cuban economy in the order of \$4.3 billion. That figure is about twice as much as what would be needed in terms of annual direct foreign investment for the Cuban economy to move substantially towards development.

The accumulated losses amount to the enormous figure of \$822.28 billion, taking into account the devaluation of the price of gold. At current prices, that figure is equivalent to \$130.2 trillion. Dozens of banks in third countries have been affected in the latest period by the extreme and tenacious persecution of Cuban financial transactions. The embargo is contrary to international law, and its aggressive extraterritorial application harms the sovereignty of all States. It also damages economic and business interests throughout the world.

The United States Ambassador failed to mention that the embargo is a flagrant, massive and systematic violation of the human rights of all Cubans, men and women. Under the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, it can be defined as an act of genocide. It is also an obstacle to the international cooperation that Cuba offers in terms of its humanitarian aid to 81 countries in the South. The human damages caused by the application of that policy are incalculable. There is no Cuban family or social service in Cuba that does not suffer the privations and consequences of the blockade. Cuban emigration also faces discrimination and prejudice.

Over the past year, the Cuban company that imports and exports medical products, Medicuba S.A., made requests to 18 United States companies to buy supplies that were either refused or never responded to. Others, such as the United States corporation Promega, which is recognized for the development of diagnostic kits to determine the viral load in patients with HIV/AIDS, the hepatitis C virus or kidney disease, refused in June to sell its products to Medicuba, alleging that the Treasury Department maintained commercial sanctions that prohibited the sale of its products to the island.

On that same date, and with the same argument, the company New England Biolabs refused to supply Cuba with its products. It sells a wide range of enzymes, such as proteinase-K, a reagent that enables the diagnosis of viral diseases like dengue, Zika and chikungunya, and other enzymes that have multiple uses for the diagnosis of congenital malformations and the determination of compatibility between organ donors and patients in need of kidney, bone marrow and liver transplants, among others. Under that same argument, the company refused to provide to Cuba supplies of an entirely humanitarian nature.

In April, Radiopharma, a business of the German supplier Eckert & Ziegler, refused to supply Medicuba with the GalliaPharm 68Ge/68Ga pharmacy grade generator with its components, which is equipment that is used in the diagnosis of prostate cancer. According to the company, it was not possible to supply the product directly to Cuba, nor through a third country, because of the embargo.

The cardiology service of the Hermanos Ameijeiras clinical surgical hospital urgently needs a circulatory assistance device to treat cardiogenic shock and for interventional cardiology and electro-physiology, which facilitates recovery from heart failure and the prolongation of the patient's life. The United States company Abiomed, a leader in the global market in those products, has the Impella system, which is ideal for treating such conditions. In September 2016 and this February, Medicuba contacted it to discuss the possibility of incorporating its product into Cuba's health system; however, it has so far refused to respond.

We are deeply grateful to all the Governments, peoples, parliaments, political parties and social movements, civil-society representatives and international and regional organizations that have contributed their voices and votes, year after year, to support the justness and urgency of the abolition of the embargo. We also convey our sincere gratitude to the vast majority of the American people for their support for this praiseworthy cause.

It offends the conscience of humankind that the Ambassador of the United States has referred to the Bolivarian Government of Venezuela in an unacceptable and interfering manner. It offends the heroic people of Venezuela, its civil-military union and the Bolivarian and Chavista Government led by President Nicolás Maduro Moros. The United States Government lies when it declares that Venezuela poses a threat to its national security. It is curious, given that it has the largest certified hydrocarbon reserves in the world. As the liberator Simón Bolívar wrote, the United States seems to be destined by Providence to plague the Americas with misery in the name of liberty. I respond to the Ambassador with Bolívar's words.

We are in the midst of a fair and constitutional electoral process in Cuba, where votes are not bought, special interests do not prevail and dishonest campaigns do not demand money. In our elections, the will of the

voters is not manipulated, and division and hate is not spread.

We especially commend all those who have expressed their concern and rejection of the coercive measures announced by the current United States Government. The Cuban people will never cease in their efforts to build a sovereign, independent, socialist, democratic, prosperous and sustainable nation. We will persist with the consensus of our people and especially the patriotic commitment of the youngest Cubans in the anti-imperialist struggle and in defence of our independence, for which tens of thousands of Cubans have already fallen, and we have taken the greatest risks, as we demonstrated in Playa Giron and in the face of all threats. We will be eternally loyal to the legacy of José Martí and Fidel Castro Ruz.

Our people are following this debate with hope. On behalf of them, I ask those present to vote in favour of draft resolution A/72/L.2, on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba.

The Acting President (*spoke in Spanish*): We shall now proceed to consider draft resolution A/72/L.2.

Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote should be limited to 10 minutes and should be made by delegations from their seats.

Ms. Sison (United States of America): The United States believes that the people of Cuba deserve a stable, prosperous and democratic country. We strongly support their right to freely determine their own future. It is the Cuban Government and not the United States that continues to deprive the Cuban people of this aspiration. Our sanctions against Cuba are just one part of our overall effort to help all in Cuba freely exercise their human rights and fundamental freedoms and choose their own destiny. For that reason, we shall vote against and strongly oppose the draft resolution contained in document A/72/L.2.

Every year, the Cuban Government uses this draft resolution to identify the United States as its scapegoat in order to shift blame away from its own policy failures. The Cuban Government continues to isolate the Cuban people while disingenuously blaming the embargo. In fact, Cuba currently has one of the most restrictive economies in the world as a direct result of its Government's policies. Irrespective of United States

policy, the Cuban economy will not thrive until the Cuban Government allows a free labour market, fully empowers Cuban entrepreneurs, respects intellectual property rights, allows unfettered access to information via the Internet, opens its State monopolies to private competition, and adopts sound macroeconomic policies.

The United States remains a deep and abiding friend of the Cuban people. Our policy emphasizes advancing human rights and democracy on the island while ensuring that our engagement benefits the Cuban people and not their dictatorial regime. Our policy focuses on engagement with the Cuban people so as to give them the support and tools they need to move forward independently of the obstacles imposed by their own Government.

The United States continues to call on the Cuban Government to allow the people in Cuba to enjoy political and economic freedom. The Cuban Government continues its tactics of politically motivated detentions, harassment and police violence against those who peacefully seek freedom for political prisoners and who advocate on behalf of positive political and social change. These practices fly in the face of the freedoms of expression and peaceful assembly guaranteed in the Cuban Constitution.

This draft resolution is a distraction from the real problems facing the Cuban people. Therefore, the United States strongly opposes it. Even if the United States lifted the embargo today, Cubans would not be able to realize their potential without significant political, economic and social reforms by their own Government. We encourage this body to support the desire of all in Cuba to determine their own future and enjoy their human rights and fundamental freedoms. Doing so would advance the principles enshrined in the Charter of the United Nations and the purposes for which the United Nations was created. The Cuban people deserve no less, and the United States will continue to pursue policies that aid them in their quest for real freedom and democracy.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): We thank our brother, Comrade Bruno Eduardo Rodríguez Parrilla, Minister for Foreign Affairs of Cuba, for his words, which always reach the hearts of the peoples of the world. We thank our sister delegation of Cuba for being here with us today and for sharing the information that confirms once again that the human rights of an entire people are being violated

by the economic, financial and commercial blockade against Cuba. Today we confirm our support for and solidarity and deep friendship with the people of José Martí and Fidel and Raúl Castro Ruz.

Fifty-eight years after the triumph of the Cuban Revolution led by Fidel, and almost one year after his passing, we feel his absence deeply. However, his historical legacy continues to grow among us and is enhanced by all his teachings in the struggle for freedom, dignity and the restitution of rights to the peoples of Latin America, the Caribbean and the world. We also want to express our thoughts, prayers and solidarity with all the Cuban brothers affected by the passage of Hurricane Irma.

For almost 60 years the Cuban people have demonstrated an iron will in the face of the imposition of the dishonourable United States law establishing the blockade, whose objective is to destroy the tenets of the Cuban Revolution and hinder the progress of a whole nation. Cuba, our sister, remains the symbol of humanism and an example of solidarity and social, cultural and scientific development in the world. Cuba stands with its head held high, defending its sovereignty, self-determination and its socialist revolution. As our President, Commander Daniel Ortega Saavedra, says, there is Cuba, firm, unwavering, unbreakable. The determination of Cuba has led the General Assembly to vote almost unanimously for the cessation of the blockade, yet the blockade continues, and the positive steps taken by President Obama to ease tensions between the United States and Cuba and to normalize relations between both countries have, unfortunately, been reversed.

We applaud the statement of the Government of Cuba, which reiterates its willingness to continue the respectful dialogue on and cooperation in matters of mutual interest, as well as the negotiation of pending bilateral matters with the Government of the United States of America. We hope that, as the Government of Cuba clearly states in its message, the United States will return to the path that former President Obama identified — a decisive forward movement on the lifting of the blockade against Cuba.

Latin America and the Caribbean demand that the United States Government put an immediate end once and for all to the blockade against Cuba, that it return to the Cuban people their legitimate territory of Guantánamo and that it accept the will of our peoples

to live in peace, without interference, with friendly relations and mutual respect among all our nations.

I wish to conclude with the words of our President, Daniel Ortega Saavedra, who has said that the day will come when the blockade imposed by the empire against Cuba will be defeated by a multipolar world, when a unified Latin American and Caribbean has already determined to put an end to the blockade, and when the vast majority of the peoples of our planet vote every year — as they will today — for the United Nations to demand an end to this blockade. Therefore, Nicaragua will vote, as it always has, and with much pride, in favour of draft resolution A/72/L.2, submitted by the delegation of Cuba.

The Acting President (*spoke in Spanish*): We have heard the last speaker in explanation of vote before the voting.

The General Assembly will now take a decision on draft resolution A/72/L.2, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia,

Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe

Against:

Israel, United States of America

Draft resolution was adopted by 191 votes to 2, with no abstentions (resolution 72/4).

The Acting President (*spoke in Spanish*): Before giving the floor for explanations of vote, may I remind delegations that explanations of vote should be limited to 10 minutes and should be made by delegations from their seats.

Ms. Lind (Estonia): Before turning to our explanation of vote, I would like to add our voice to the condemnations of the terrorist attack that took place in New York on 31 October. Our thoughts are with all of those who have been affected.

I have the honour to speak on behalf of the European Union (EU) and its member States. The candidate countries the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania; the country of the Stabilization and Association Process and potential candidate Bosnia and Herzegovina; and the country of

the European Free Trade Association, Liechtenstein, which is a member of the European Economic Area, align themselves with my statement.

The economic, commercial, and financial embargo imposed by the United States on Cuba has a damaging impact on the economic situation of the country and negatively affects the living standards of the Cuban people. The recovery and reconstruction after the devastation wrought by Hurricane Irma this autumn could also be hampered. External trade and foreign investment will play a crucial role in setting the country on a path towards sustainable growth. Therefore, the EU considers that lifting the embargo could facilitate the opening of the Cuban economy to the benefit of the Cuban people.

The EU believes that positive change in Cuba is best brought about by closer engagement at all levels — Government, economy and civil society, and also through people-to-people exchanges. We therefore deeply regret that the new United States Administration has announced its intention to reintroduce restrictions on the country's relations with Cuba. The proposals to restrain individual self-directed travel would not only curtail the possibility for engagement with the Cuban people, but they would also hit Cuba's burgeoning private sector, which has benefited the most from such visits by individuals.

Beyond the damaging impact of the embargo on ordinary Cubans, unilateral sanctions by the United States, together with other unilateral administrative and judicial measures, are also negatively affecting the economic interests of the EU. We have firmly and continuously opposed any such measures, due to their extraterritorial impact on the European Union, in violation of commonly accepted rules of international trade. We cannot accept that unilaterally imposed measures might impede our economic and commercial relations with Cuba. The EU Council of Ministers therefore adopted a regulation and a joint action to protect against undue interference and problems for EU citizens, businesses and non-governmental organizations residing, working or operating in Cuba.

It is crucial that the United States continue to fully respect and implement the agreement reached at the summit between the European Union and the United States held in London in May 1998. That agreement covers waivers to Titles III and IV of the Helms-Burton Act, a commitment by the United States Government

to resist future extraterritorial legislation of that kind and an understanding regarding discipline for the strengthening of investment protection.

For the EU, opening doors and closer engagement are the way to go with Cuba. Today, we celebrate the start of the provisional application of the EU-Cuba Political Dialogue and Cooperation Agreement, which was signed last year. It will put our bilateral relationship on a new and solid legal footing and sets out an agenda of critical engagement with Cuba that will also allow us to support and assist Cuba on its path towards reform and modernization.

We will also enhance dialogue and cooperation on issues on which we still have fundamental differences. To this end, the Political Dialogue and Cooperation Agreement establishes a human rights dialogue as a key pillar of our relationship. We reiterate our call on the Cuban Government to fully grant its citizens internationally recognized civil, political and economic rights and freedoms, including freedom of assembly, freedom of expression and free access to information, to ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and, following the visit of the United Nations Special Rapporteur on Trafficking in Persons, extend invitations to other rapporteurs to visit Cuba.

In contrast with Cuban achievements in health care and education, the slow progress of economic modernization seriously hampers Cuban economic development. In this context, we call for economic and social reforms to be extended and implemented in a manner that will address the key concerns of the Cuban population.

With the EU-Cuba Political Dialogue and Cooperation Agreement, the EU offers Cuba a consistent and reliable partnership to support it as it seeks economic and social reforms, sustainable development and common solutions to global challenges, while the EU continues to promote democracy and respect for human rights. It is our considered view that the United States embargo does nothing to promote those aims, but, instead, impedes their achievement. Against this background, the member States of the European Union unanimously voted in favour of resolution 72/4.

Mr. Kim In Ryong (Democratic People's Republic of Korea): The delegation of the Democratic People's

Republic of Korea voted in favour of resolution 72/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", based on the principled stand of the Movement of Non-Aligned Countries and the Group of 77. My delegation condemns the embargo imposed by the United States against Cuba as an infringement of Cuba's sovereignty under the terms of the Charter of the United Nations and as a crime against humanity, human rights and civilization.

Each year for the past 25 years, since 1992, a resolution has been adopted opposing the economic embargo against Cuba, but the United States has turned a blind eye to its implementation. Today's resolution was adopted with all Member States voting in favour, except for the United States and Israel, which clearly shows the view shared by the international community, namely, that it opposes the economic embargo against Cuba. Mr. Trump's Administration's new anti-Cuban policies are the continuation of the failed United States policy of embargo against Cuba that have been in effect since the Republic of Cuba came into existence. It threatens the sovereignty and right to existence of the people and the Government of Cuba. It also hinders the normal development of the region.

Reality shows the hypocrisy of the United States, which is a country calling for the implementation of United Nations resolutions and clamouring for the rule of law and democracy in the world while implementing an arbitrary, high-handed and arrogant America First policy that gives greater value to United States federal law than to the Charter of the United Nations, thereby sacrificing others as it pursues its own interests. However, as in the past, the General Assembly adopted resolution 72/4 by an overwhelming majority, thus demonstrating its support for and solidarity with the Cuban Government and the Cuban people's struggle for their righteous cause. It also shows the international community's condemnation of the America First policy.

The United States has manipulated the Security Council to denounce the Democratic People's Republic of Korea's nuclear tests and ballistic-missile and satellite launches as a threat to international peace and security. Its rigged sanctions resolutions have only pushed the Democratic People's Republic of Korea to become a full-fledged nuclear and missile Power that is recognized as such by the entire world. Similarly, the United States' economic sanctions against Cuba

will only impel the Cuban people to build a more powerful Cuba.

My delegation takes this opportunity once again to express its strong support for and solidarity with the Government and the people of Cuba, who are fighting to defend their national dignity and sovereignty and to

achieve unity and cooperation in the region in the face of the unilateral sanctions of the United States.

The Acting President (*spoke in Spanish*): We have heard the last speaker in explanation of vote for this meeting.

The meeting rose at 1.10 p.m.